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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
" THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXVIII.

COMPRISING THE PERIOD FROM
THE NINETEENTH DAY OF APRIL, 1837.
TO
THE SEVENTEENTH DAY OF JULY, 1837.

Third and last Volume of the Session.

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J. BIGG; J. BOOTH.

1837.

TABLE OF CONTENTS

TO

VOLUME XXXVIII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Queen's Speech.
V. Protests.

I. Subjects of Debate in the House of Lords.

1837. Page

April 21. SPAIN—Lord J. Hay's Despatches 125

24. Improvement of Lands (Ireland)—Second Reading of a Bill—(Poor-Laws) 218

25. Municipal Corporations (Ireland)—Bill read a second time .. 260

28. The New Poor-Law—Petition 298

Protestant Petition—Petition from the Protestants of Ireland 299

May 1. Canada—Resolutions brought from the Commons .. 405

Municipal Corporations (England)—Committee—Division, &c. 405

2. Dublin Police—Second Reading of the Bill 454

5. Abolition of Oaths—A Select Committee appointed .. 547

Penitentiary at Millbank—Third reading of the Bill postponed—Discipline of Gaols—Execution at Gloucester .. 548

Municipal Corporations (Ireland)—Motion to go into a Committee—Amendment to put off the Committee till June 9th—Division, Lists, &c. 550

8. Statutes of the several Colleges and Halls of Oxford and Cambridge—Motion for a Committee to inquire into them—Withdrawn 658

TABLE OF CONTENTS.

1837. Page

May 9. Canada—Resolutions sent up from the Commons agreed to—Protest 707

11. Improvement of Lands (Ireland)—Committee on the Bill .. 794
Execution at Gloucester—Explanation 795
Chief Baron Joy—Explanation 796
The Romish Clergy—Petition from Dr. Mulholland .. 799

12. Municipal Reform (England)—Petition 817

18. Canada—Conference with the Commons 863
Public Business—Notice 863
Desecration of Churches—Petition 864

19. Religious Instruction (Scotland)—Questions by the Earl of Haddington 881

22. Education Board (Ireland) Petition 920
Execution at Gloucester—Explanation 928

23. The Universities—Petition and Question 978

26. Dublin Police—Committee 1088

30. Post-office—Petition from London Merchants and Bankers .. 1098
Municipal Corporations Act Amendment Bill passed, with Amendments 1100

June 1. Van Diemen's Land—Colonel Arthur 1136
Poor-Law Act—Petition—Motion for Papers by the Bishop of Exeter 1138

2. Privileges—The Commons—Notice of Motion by Lord Denman 1158

5. Business of Parliament—Motion by Lord Brougham .. 1169

6. Privileges—The Commons' Resolutions—Lord Denman's Motion postponed 1212

8. Poor Laws (Ireland)—Alterations in Parliamentary Papers .. 1246
Small Debts (Scotland)—Bill read a second time .. 1247

9. Municipal Corporations (Ireland)—Committee on the Bill put off 1308

13. Metropolitan Cemeteries—Petitions 1439
Public Works (Ireland)—Committee on the Bill 1441
Post-office Bills—Second reading 1462

15. War in Spain—Question by the Marquess of Londonderry .. 1465

1837. Page

June 16. Municipal Corporation Act Amendment Bill—Commons Amendment considered and rejected 1498

19. Municipal Corporations—Petition—Working of the English Act 1540
Irish Fisheries—Petition—Motion for Papers 1542

20. Demise of His Majesty King William the Fourth .. 1545

22. Message from Her Majesty 1546
Address of Condolence to the Queen Dowager 1553

23 Public Business—Address to the Queen—Closing of the Session 1564

26. Answer to the Address 1618
Education and Charities Bill—Second reading postponed .. 1618

27. Poor-Law—Petition 1630

28. Answer to the Second Address 1674
Marriage and Registration Acts—Third reading of the Amendment Bill—Debate Adjourned 1674

29. Marriage and Registration Acts—Adjourned Debate resumed —Clause added and Bill passed 1680
Post-Office Management—Bill read a third time .. 1681
Irish Measures—Questions 1681
Education—Charities—Subject postponed 1683
Succession to the Crown—Bill to provide for the Government of the Country in the absence of the Heir, on the Demise of Crown—Read a first time 1685

29. Dissolution of Parliament on the Demise of the Crown—Suggestion by the Earl of Mansfield 1685
New Poor-Law—Petitions 1687

30. Public Monuments—Petition 1711
Common Law Courts—Second reading of the Bill .. 1710

July 3. Church Accommodation (Scotland)—Petition from the General Assembly 1746
Crown Solicitors (Ireland)—Motion for Returns 1751
Succession to the Throne—Second reading of the Bill .. 1757

4. Municipal Corporations Act Amendment—Conference with the Commons 1773
Attendance before Committees 1773
Criminal Law—Second reading of the Forgery Bill .. 1773

1837. Page
July 6. Bridlington Harbour Bill—Third reading 1806
Private Business—Resolutions of a Committee 1808
Recovery of Presentations—Bill put off for three months .. 1808
The New Poor-Law—Petition 1809

7. Final Register of Electors—Bill put off for three months .. 1835
Succession to the Crown—Bill read a third time 1836

10. The New Poor-Law 1848
Reform of Parliament (Ireland) Act—Bill to amend it thrown out on the second reading 1849

11. Answer of the Queen Dowager to the Address 1859
Punishment of Death—Bill committed 1859
Imprisonment for Debt—Questions 1861
The Irish Government—Motion for Returns 1863
Municipal Act Amendment—Commons Amendments to the Bill negatived 1892

13. Parliamentary Electors—Bill put off for Six Months .. 1894
New Poor-Law—Petitions 1896

14. Form of Petitions—A Petition withdrawn because the terms Lords Spiritual were not used 1904
Ecclesiastical Appointments Suspension'—Conference with the Commons—Their Amendments agreed to 1905
Reform of the Criminal Law—Bills read a third time .. 1907

15. Public and Private business 1913
Poor-Law Amendment Act—Petitions 1914

17. Prorogation of Parliament 1919

II. Subjects of Debate in the House of Commons.

April 19. Affairs of Spain—Adjourned Debate—Division, Lists, &c. 1

21. Privilege—Case of the *True Sun*—Printing the Evidence taken before the Poor Law Committee—Division, Lists, &c. .. 170
Canada—Resolutions proposed by Ministers—Division, Lists, &c. 198

24. Canada—Resolutions proposed by Ministers considered further in Committee—Divisions, Lists, &c. 230
Forgery—Bill for Abolishing the Punishment of Death in case of Forgery—Read a second time 252
Offences against the Person—Bill for Abolishing the Punishment of Death in certain Cases—With other Bills to Amend the Criminal Law—Read a second time 255

1837. Page

April 25. Custody of Infants—Leave given to bring in a Bill .. 277

26. Muncipal Corporations (Scotland)—Second Reading of a Bill 278
Burghs of Barony (Scotland)—Bill read a second time .. 288
Controverted Elections—Bill read a second time 290
Admission of Freemen—Bill read a second time .. 291

28. Affairs of Canada—Resolutions reported 358
Court of Session (Scotland)—Report 359
Poor-Laws (Ireland)—Second Reading of the Bill—Debate adjourned 360

May 1. Tithes (Ireland)—Resolution for a Bill in Committee .. 408
Poor Laws (Ireland)—Adjourned Debate—Second Reading of the Bill 421

2. New Poor-Law (England)—Petition threatening Resistance .. 457
Convocation of the Clergy—Motion for an Address—Division, &c. 458
Tobacco and Foreign Spirit Duties—Motion to consider the Expediency of Reducing them 462

3. Tithes (Ireland)—Report—Amendment—Certain Resolutions by Mr. Crawford moved—Debate adjourned .. 463
Public Records Bill—Read a second time 463
3. Foreign Grain—Motion for a Committee to enquire into the Expediency of Grinding Foreign Grain—Adjourned Debate resumed—Division, Lists, &c. 465
Law of Libel Bill—Second reading 477

4. Window Tax—A Motion to Repeal the Window Tax—Division, List, &c. 503
Universities—A Motion for an Address to his Majesty for a Commission to inquire into the Universities—Motion withdrawn 510
First Fruits—Motion for a Select Committee to inquire into their value—Division, Lists, &c. 530
Observance of the Sabbath—Motion for leave to bring in Bills 541
Fairs and Markets—Bill to alter the Day for holding them 547

5. Church of Scotland—Resolutions moved by Sir W. Rae .. 602
Supply—Proposal to Adjourn it to June 9 655
Tithes (Ireland)—Report on the Resolution—Motion to Adjourn it to June 10—Division, Lists, &c. 655
Post-office Bill in Committee—Division, Lists, &c. .. 656

8. Bridlington Harbour—Second Reading of the Bill .. 675

TABLE OF CONTENTS.

1837. Page

May 8. Jersey Fisheries—Question 679
Repeal of Septennial Act—Motion for leave to bring in a Bill —Division, Lists, &c. 680
Poor-Laws (Ireland)—Committee—Course of Proceedings in reference to the conduct of the Poor 690

9. Longford Election 750
Post-office Duties—Motion for a Select Committee—Motion withdrawn 755
Vote by Proxy—Resolution proposed by Mr. Duncombe—Division, Lists, &c. 760

10. Conduct of the Army at Buenos Ayres—Explanation .. 775
Rate Paying Clauses of the Reform Act—Second Reading of the Bill to Repeal them—Division, Lists, &c.—Bill put off 779
East-India Maritime Officers—Second reading of a Bill—Division, Lists, &c. 785
General Turnpike Trusts--Second reading of the Bill .. 789
Admission of Freemen—Committee on the Bill postponed .. 794

11. Voting for Private Bills—Brighton Railway 802
Poor-Law (Ireland)—Committee 806
Payment of Rates—Leave given to bring in a Bill—Division, Lists, &c. 816

12. Presentation of Petitions 821
Hand-Loom Weavers—Motion for a Bill—Division, Lists, &c. 824
Poor-Law (Ireland)—Committee—Law of Settlement .. 827
Ways and Means—Committee—A Grant 852

17. Glasgow and Ayr Railway—Travelling on the Sabbath .. 856
Controverted Elections—Committee—House counted out .. 858

18. Canada—Conference with the Lords 865
Taxes on internal Communication—Subject referred to a Committee 865
Law of Copyright—Leave given to bring in a Bill .. 866
Ludlow Charity Trusts—Motion for a Committee—House counted out 880

19. Travelling on the Sabbath—Ayr and Glasgow Railway .. 898
Business of the House—Mode of proceeding 907
Capital Punishments—Committee on the Bill abolishing the Punishment of Death in certain Cases—Amendment to abolish it in all cases, except Murder—Division, Lists, &c. 907

22. Church-Rates—Report of the Resolutions agreed to in Committee—Motion to read them a second time—Amendment to apply new Revenue from Church Lands to increasing Religious Instruction—Debate adjourned 929

1837. Page

May 22. Church-Rates—Adjourned Debate resumed and concluded—Amendment withdrawn—Division on the main Question—Lists, &c. 980

25. Offences against the Peace (Ireland)—Motion to repeal the Coercion Act—Division, Lists, &c. 1078

French Compensation Fund—Motion for a Select Committee—Division, Lists, &c. 1081

Occupation of Cracow—Motion by Lord Dudley Stewart—House counted out 1085

26. Privileges—Glasgow Writ—Messenger of the Crown Office ordered to attend at the Bar 1090

Presents from the King of Oude—Motion for Papers .. 1094

Poor-Laws (Ireland)—Committee 1095

30. Brighton Railways—Motion to appoint a Government Engineer to Report on the different Lines 1101

Privilege—The Glasgow Writ—Inquiry at the Bar .. 1103

Publication of Privileged Papers—Resolutions moved by Lord Howick—Division, Lists, &c. 1113

June 1. Privilege—Petitions from Printers of the House .. 1149

Colonel Bradley—Motion for a Select Committee—Division, Lists, &c. 1150

National Education—Motion for a Bill (Mr. Borthwick) .. 1157

2. Adjournment—The Budget—State of the Country .. 1159

The Vixen—End of the Negotiation concerning her .. 1161

Poor-law (Ireland)—Committee 1162

5. Commercial Distress—The Currency—Resolution concerning the Currency moved by Mr. Attwood—Division, Lists, &c. 1189

Poor-laws (Ireland)—Committee—Divisions on the 43rd and on the 47th Clauses—Lists 1209

6. London and Brighton Railways—Petition from Mr. Mills—Motion for Select Committee 1215

Poor-laws (Ireland)—Committee 1222

7. Merchant Shipping—Second Reading of the Bill—Divisions, &c. 1222

Lord's Day—Second Reading of the Bill—Division, &c. .. 1227

Members acting as Parliamentary Agents—Adjourned Debate resumed—Division, &c. 1243

Common Law Courts—Committee on the Bill .. 1244

8. Portland Cemetery—Petition—Alteration made privately in a Bill by a Member 1247

1837. Page

June 8. Privilege—Publication of Papers—Case of Messrs. Hansard and Nichols, Printers to the House of Commons .. 1249

9. Wigan Rectory—Third Reading—Amendments and Divisions, Lists 1332
State of the Nation—Motion by Mr. Roebuck .. 1337
Tithes (Ireland)—Second Reading of the Bill .. 1370

10. Municipal Corporations (England) Act—Lords' Amendments to the Corporation Act Amendment Bill considered and partly agreed to 1381
Registration of Births and Marriages—Bill to amend the Act in Committee 1382
Steam-Boat Explosion at Hull—Question—Necessity of appointing public inspectors 1383

12. Church Leases—Motion for a Select Committee to inquire into the mode of letting Church Lands—Division, Lists, &c. .. 1384

13. Taxed Carts—Questions 1448
Portland Cemetery—Subject revived and dropped .. 1449
Excise Department — Motion by Mr. Wallace — House counted out 1449

14. East-India Maritime Officers—Committee put off .. 1452
Manufacture of Bonded Corn—Second Reading, Division, &c. 1454
Bribery at Elections—Second Reading 1457
Sheriffs Court Bill—Recommitted 1459
Recovery of Tenements Committee 1460
Dublin Police Laws—Amendments to the Bill rejected and Bill thrown out 1462

15. Orange Lodge Committee—Clerk of the Committee allowed to give evidence in a Court of Law 1480
Admission of Ladies to the Gallery of the House of Commons —Motion for an Address to the Crown—Division, Lists, &c. 1481
Letter Carriers—Motion to refer their Petition to a Select Committee—Division and Lists 1484
Hanwell Lunatic Asylum—Motion for a Select Committee to inquire into the Asylum 1486
Commissions—Motion for a Select Committee to inquire into Public Commissions—Division 1490
Public Revenue and Accounts—Motion by Dr. Bowring .. 1491
Fourdrinier's Patent—Committee to inquire into it revived .. 1492
Rating of Tenements—Leave to bring in a Bill—Division .. 1494
Foreign Officers—Committee on a Bill 1496

16. Boundaries of Boroughs Bill—Question 1500
Trade with Spain—Question 1500

1837.

Page

June 16. Foreign Diplomacy—Question 1501

Poor-Laws—State of the inquiry into them by the Committee brought under the notice of the House 1507

20. Proceedings on the King's Death 1545

22. Message from the Queen—Address to her Majesty .. 1554

Condolence to the Queen Dowager—Address .. 1564

23. Breach of Privilege—Complaint of the *True Sun* .. 1581

Public Business—Address—Plans to bring the Session to a close 1581

Ways and Means—Sugar Duties—Resolution to continue the Sugar Duties agreed to 1608

Supply—Miscellaneous Estimates—Employing Members of Parliament 1611

26. Police Magistrates—Question 1620

Church Leases—Committee nominated 1621

Supply—Miscellaneous Estimates—Kensington Gardens—Regium Donum 1629

27. Answer to the Address 1660

Forgery—Report on the Forgery Bill 1660

Offences against the Person—Committee on the Bill .. 1661

Execution of Wills—Committee on the Bill 1663

Excise Acts—Beet-root Sugar—Resolution to charge a Duty of 24*s.* per Cwt. on Beet-root Sugar 1665

Common Law Courts—Bill—Third Reading—Clauses added 1671

28. Bonded Corn—Committee on the Bill put off for three months 1676

Final Registration of Electors—Bill read a second time .. 1679

29. The Magistracy of Ireland—Petition 1700

Imprisonment for Debt—Committee on the Bill .. 1701

Final Registry of Electors—Committee on the Bill .. 1702

Bills of Exchange—Committee on the Bill 1704

Jewish Marriages Bill—Committee 1707

Australia—Bill to provide for the Administration of Justice in New South Wales—Read a first time 1708

30. Management of the Post-Office—Lords' Amendments to a Bill put off for three months—Leave given to bring in another Bill 1714

The Budget 1714

Supply—The Museum—The late Speaker's losses by the burning of the House of Commons 1737

Imprisonment for Debt—Report on the Bill 1741

1837. Page

July 1. Reform (Ireland) Act—Committee on the Bill to amend the Reform Act postponed 1743

3. Protection to Dogs—Committee on the Cruelty to Animals' Bill 1761
County Treasurers (Ireland)—Committee on the Bill .. 1762
Supply—Miscellaneous Estimates—Grant towards erecting New Houses of Parliament—Advances on Account of Canada 1763
Freemen and Electors—Report on the Parliamentary Electors' Bill 1767
Final Registry of Electors—Third Reading of the Bill .. 1769
Construction of Men-of-War—Motion for Returns .. 1770

4. Hand-Loom Weavers—Address to the Crown to appoint a Commission to inquire into the Condition of the Hand-Loom Weavers 1790
Compensation to the late Speaker—Motion for a Committee—Debate adjourned 1798

5. Kafir War—Petition 1799

5. Compensation to the late Speaker—Adjourned Debate resumed, and Committee appointed—Division, &c. 1801

6. Treaties for the Abolition of Slavery—Bill committed .. 1822
Naval Officers—Motion for an Address to ascertain the Number of Effective Officers 1831

7. Duty on Fire Insurance—Motion to reduce the Duty .. 1844
Canada—Motion for an Address postponed, *sine die* .. 1845

10. Slavery—Question by Mr. Buxton 1853
The Church of Scotland—Motion for Returns .. 1854
Abduction of an Elector—Petition from Ross and Cromarty.. 1858

12. The Queen Dowager's Answer to the Address 1893
Lords Justices, or Succession to the Throne—Bill committed 1893

13. Standing Orders—New ones agreed to 1899
Ecclesiastical Appointments—Lords' Amendments to be taken into consideration 1902
Trade with France—Questions 1903
Municipal Corporations Act Amendment Bill—A Conference held with the Lords 1904

14. Ecclesiastical Appointments—Lords' Amendments taken into consideration, and one disagreed to 1908
Russia—Questions 1911

1837. Page
July 15. Criminal Law—Lords' Amendments to the Bill for improving the Criminal Law—Agreed to 1915
Municipal Corporations Act Amendment—Lords' Amendments agreed to 1916

17. King of Hanover—Question 1923
Bills of Exchange—Question 1923
Prorogation 1924

III. LISTS OF DIVISIONS.

April 19. The Ayes on Sir H. Hardinge's Motion relative to Spain .. 120
The Noes 122

21. The Ayes and the Noes on adjourning the Debate on a Question of Privilege concerning the *True Sun* .. 197

April 21. The Ayes and the Noes on postponing the Canada Resolutions 216

24. The Ayes and the Noes on the Seventh Canada Resolution .. 232
The Ayes and the Noes on the Eighth Canada Resolution .. 248

May 1. Contents and Not-Contents on the 13th Clause of the Municipal Corporations (England) Act Amendment Bill .. 407

2. The Ayes and the Noes on an Address to revive the Convocation of the Clergy 461

3. The Ayes and the Noes on Committee to inquire concerning grinding Foreign Grain 476
The Ayes and the Noes on the second reading of Libel Law Bill 501

4. The Ayes and the Noes on Abolition of Window Duty .. 507
The Ayes and the Noes on Committee to inquire into First Fruits 539
The Ayes and Noes on second reading of Sabbath Bill .. 541

5. Contents on postponing the Corporation Reform (Ireland) Bill till June 9th 599
Not-Contents 601
The Ayes on Resolution concerning the Church of Scotland .. 652
The Noes 654
The Ayes and the Noes on receiving the Report on the Resolutions concerning the Tithes of Ireland 656
The Ayes and the Noes—Committee on the Post-Office Bill 657
The Ayes and the Noes on Repeal of the Septennial Act .. 688

9. The Ayes and the Noes on Voting by Proxy .. 773

TABLE OF CONTENTS.

1837. Page

May 10. The Ayes and the Noes on the second reading of the Rate-paying Clauses of the Reform Act Bill 783

The Ayes and the Noes on the second reading of the East India Company's Maritime Officers Bill 785

The Ayes and the Noes on Committee on Admission of Freemen's Bill 793

11. The Ayes and the Noes in Committee on the Poor-Laws (Ireland) Bill as to the number of Guardians .. 815

The Ayes and the Noes on Motion to bring in a Bill to postpone payment of Rates 816

12. The Ayes and the Noes on Leave to bring in a Bill to regulate Hand-loom Weaving 826

The Ayes and the Noes on Law of Settlement for Poor (Ireland) 850

17. The Ayes and the Noes on Clause in the Glasgow Railway Bill to prevent Travelling on the Sabbath 858

19. The Ayes and the Noes on the retention of the same Clause.. 905

The Ayes and the Noes on an instruction to a Committee to abolish the punishment of Death in all cases except actual Murder 922

23. The Ayes on the Report of the Church-rate Resolution .. 1073

The Noes on the same 1075

5. The Ayes and the Noes on the Repeal of the Irish Coercion Act 1080

The Ayes and the Noes in Committee to inquire into the French Compensation Fund 1085

30. The Contents on omitting an Amendment to the Municipal Act Amendment Bill 1100

The Ayes and the Noes on Resolution for publishing Privileged Papers 1134

June 1. The Ayes and Noes in a Committee to inquire into the case of Colonel Bradley 1156

5. The Ayes and the Noes on the Order of the Day to go into a Committee on the Poor-Laws (Ireland)—Mr. Attwood's Amendment relating to the Currency 1208

6. The Ayes and Noes on the 36th Clause of the Bill for establishing Poor-Laws in Ireland 1210

The Ayes and Noes on Amendment to the 47th Clause .. 1211

The Ayes and the Noes on referring Mills' Brighton Railroad Line to the Government Engineer 1221

7. The Ayes and the Noes on the second reading of the Merchants' Shipping Bill 1225

The Ayes and the Noes on the second reading of the Lord's Day Bill 1242

1837. Page

June 7. The Ayes and the Noes on Mr. Tooke's Resolution against Members of Parliament acting as private Agents .. 1244

The Ayes and the Noes on the Common Law Courts Bill in Committee 1245

9. Contents and Not-Contents on Committee of Irish Municipal Bill 1329

The Ayes and the Noes on the Passing of the Wigan Rectory Bill 1336

The Ayes on the second reading of the Tithes (Ireland) Bill .. 1379

The Noes 1381

12. The Ayes on Mr. Harvey's Amendment to the Motion for appointing a Committee to consider Church Leases .. 1434

The Ayes and the Noes on the Original Motion 1435

14. The Ayes and the Noes on Committing of the East-India Maritime Officers' Bill 1454

The Ayes and the Noes on the second reading of the Bonded Corn Bill 1457

The Ayes and the Noes on re-committing the Sheriffs Courts Bill 1460

The Ayes and the Noes on re-committing the Recovery of Tenements Bill 1461

15. The Ayes and the Noes on an Address to provide Accommodation for Ladies in the House of Commons 1483

The Ayes and the Noes on referring Letter Carrier's Petition to Select Committee 1485

The Ayes and the Noes on appointing a Committee to inquire into Public Commissions 1490

The Ayes and the Noes on Bill for rating Tenements .. 1495

16. The Ayes and the Noes on going into a Committee of Supply —Mr. Walter having moved an Amendment relative to the Poor-Law Committee 1539

26. The Ayes and the Noes on a Grant to Maynooth 1629

27. The Ayes and the Noes on a Clause of the Bill to provide for Offences against the Person 1663

The Ayes and the Noes, two Divisions, on Clauses of the Execution of Wills Bill .. .. .. 1667—1668

The Ayes and the Noes on Beet-Root Sugar Duty 1670

The Ayes and the Noes on adding a Clause to the Common Law Courts Bill 1674

28. The Ayes and the Noes on committing the Manufacture of Bonded Corn Bill 1678

The Ayes and the Noes on the Second Reading of the Final Registration of Electors Bill 1680

1837. Page

June 29. The Ayes and the Noes on the Committee of the Final Register of Electors Bill 1703

30. The Ayes and the Noes on receiving the Report of the Imprisonment of Debt Bill 1742

July 3. The Ayes and the Noes on granting a sum towards Building New Houses of Parliament 1764

The Ayes and the Noes on granting a sum for defraying the expenses of the Government of Canada 1767

The Ayes and the Noes on the Report of the Parliamentary Electors Bill 1768

The Ayes and the Noes on the Third Reading of the Final Registry of Voters Bill 1769

4. The Ayes and the Noes on appointing a Commission to inquire into the condition of the Hand-loom Weavers 1797

5. The Ayes and the Noes on appointing a Committee to inquire into the Losses of the late Speaker 1805

6. The Ayes and the Noes on a Motion for an Address to determine the number of Non-effective Officers 1835

14. The Ayes and the Noes on rejecting one Amendment made by the Lords in the Ecclesiastical Appointments' Bill .. 1910

IV. Queen's Speech.

17. On the Prorogation of Parliament 1919

V. Protests.

May 9. Against the Resolutions concerning Canada 773

July 7. Against rejection of the name of the Duke of Sussex from among the Lords' Justices 1843

HANSARD'S
Parliamentary Debates

During the THIRD SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
31*st January,* 1837,
in the Seventh Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Third and last Volume of the Session.

HOUSE OF COMMONS,
Wednesday, April 19, 1837.

MINUTES.] Bills. Read a first time:—Summary Convictions; Juvenile Offenders.

Petitions presented. By Mr. DAVENPORT and other Hon. MEMBERS, from Ormskirk and other places, against the proposed Measure for the Abolition of Church-rates; and by Mr. ORD and other Hon. MEMBERS, from various places, in favour of the proposed Measure for the Abolition of Church-rates.—By Mr. HUME and other Hon. MEMBERS, from Lincoln and other Poor-law Unions, for Repeal or Amendment of the Poor-law; and by Sir JOHN TYRRELL, from a place in Essex, in support of the Law.—By Mr. HAMILTON, from the Clergy of the Diocese of Clogher, against the present system of National Education.—By Mr. BROTHERTON, Captain ALSAGER, and Mr. AGLIONBY, for Amendment of the Factories' Act; from labourers and others in the employ of Mr. Lord, of Manchester; and Mr. Lockett, and operative Cabinet-makers, to the same effect.—By Mr. CLAY, from Members of the Poplar Institution for Mutual Instruction, for the Establishment of a System of National Education; and from the Glasgow and West of Scotland Power-Loom, and Tenters' Association, for Repeal of the Corn-laws.—By Mr. WILLIAMS WYNN, from the County of Montgomery, against appropriating the Surplus Revenues of St. Asaph and Bagnor to other purposes.—By Sir EARDLEY WILMOT, from the Members of the Warwickshire Association for the Protection of Agriculture, against Grinding foreign Corn in Bond.—By Mr. PONSONBY and Mr. NICHOLAS FITZSIMON, from Irish Fire Insurance Companies, and Corporation of Derby, for the Reduction of the Duty on Fire Insurances.—By General LYGON, from Stourport, for limiting the number of Beer-houses.—By Mr. FOX MAULE, from Heritors, Farmers, and others, of Stonehouse, for the Amendment of the Law relating to the Statute Labour in Lanarkshire.

AFFAIRS OF SPAIN—ADJOURNED DEBATE.] The Order of the Day was read for resuming the adjourned debate on the affairs of Spain.

Mr. *Otway Cave* was understood to express his full concurrence in the speech of the hon. Member for Marylebone (Mr. Henry Bulwer.) Most gratifying indeed would it be to the feelings of the gallant Officer, General Evans, when he should read the speech of the hon. Member, conveying as it did, in the most handsome terms, an approval and defence of the gallant Officer. He did not mean to state that such was the intention, but most assuredly the effect of this motion was, to smooth the way for the party of Don Carlos, and the cheers which had been given by hon. Gentlemen opposite when certain assertions or allusions were made went far to prove that such was the case. Yes, this motion could only have the effect of smoothing the way for the Carlist party; and this object could only be gained by endangering, or rather ruining, the reputation and character of the British soldiers who were employed in the cause of the Queen of Spain. By ruining the fame and military character of General Evans (for whatever might be said by hon. Gentlemen opposite, the course they pursued tended to this object), and by taking from him, moreover, the means of sustaining his reputation, mutiny and ill-feeling must naturally increase in the already disorganised ranks of the British Legion. The true ground from whence much of the evils which had unhappily prevailed, was to be traced to the Horse Guards. The authorities at the Horse Guards had prejudiced the cause of the Queen of Spain by requiring every officer to pledge his word of honour that he would not take service under General Evans. And the injuries had been further increased by the agency of the political writers of the Tory press. He thought that the way in which these charges were brought forward against the Government was extremely inconsistent, inasmuch as that whilst those who were parties to the charges intended to impugn the conduct of the noble Lord, the Secretary of State for Foreign Affairs, the real effect produced was to injure the British Legion in Spain. Why make this motion the vehicle for bringing up a case against the British Legion? Why not make a distinct and substantial motion on the subject? In the Speech from the Throne his Majesty gave permission to, and encouraged his subjects to enlist in the service of the Queen of Spain; but the Horse Guards set its veto upon that permission, and declared that no officer should go abroad without promising, on his word of honour, that he would not take service under General Evans. It was discreditable that such a motion should have been made at a time when the Legion was disheartened and disorganized by defeat. He hoped to be able to satisfy the House that the charges brought against General Evans and the Legion had no foundation in fact; and if he proved that, he was satisfied the right hon. Baronet would be quite ready to do an act of not tardy, but immediate, justice to men, some of whom were his own companions in arms. At the time those charges were made, there happened to be in England an officer of high distinction, whose character was above suspicion, who was well known to many hon. Members of that House, and who, although he had had a personal difference with General Evans, was so shocked with the nature of the charges brought against General Evans, that that officer had sent him a letter, although he had scarcely the honour of his acquaintance, merely because that officer knew him to be the personal friend of General Evans,—which would completely bear out everything he had stated, and which, with the permission of the House, he would now read. The letter was from General Shaw, and in reference to the report of the right hon. and gallant Officer's speech, and the statements therein made.

The *Speaker* interrupted the hon. Member, and reminded him that he could not, according to the usages of the House, quote from a report in a newspaper; but he was at liberty to read any extracts from the letter, in answer to allegations which had been made by any hon. Member.

Mr. *Otway Cave* resumed, by reading the following letter from General Shaw:—

"Reform Club, April 18.

"Dear Sir—In *The Morning Chronicle* of this day I see the report of a speech of Sir Henry Hardinge, with extracts from a book of Major Richardson, and from *The Monthly Repository*, concerning General Evans and the Legion. The splendid conduct of Sir Henry Hardinge on all occasions made me look on him as one of the greatest ornaments of the British service"—[an opinion, said the hon. Member, in which I beg to say I entirely concur]—"whose example I not only wished to follow, but whose good opinion I frankly confess I was most anxious to attain: therefore you may have some idea how deeply I feel hurt at seeing this gallant Officer being led to read statements which I am sure he will regret after the explanation I now make.

"I do not pretend to be a friend of General Evans, because I do not think he behaved to me as he ought to have done; but that is matter of opinion, and I shall now go to matter of fact, not only to do justice to that very brave man, but to ward off the obloquy which is attempted to be thrown by these publications on the brave and gallant body of men under his command, many of whom mainly contributed to the establishment of constitutional freedom in Portugal.

"Sir Henry looks upon us as mercenaries. If Sir Henry means we all fought for money, I deny it. We commenced fighting for those principles of constitutional liberty which before long must rule the world; and I venture to say, that in one campaign in the Peninsula, Sir Henry received more money than I have during the last six years, although I was always in command of a regiment or brigade. But now to facts. Major Richardson, in *The Chronicle*, says, that when the Legion arrived in Vittoria there were no blankets nor beds for the Legion. The 8th and 4th regiments were in my brigade. The 8th regiment were about 650 strong, and in their convent there were upwards of 700 beds and blankets; but as the Quarter-Master-General's department (to which Major Richardson belonged) had left the 4th without any blankets or beds, I made an equal division between the two regiments. It is stated the Algerine Legion were billeted in the houses in town. This is true; but at this time the greater part of the Legion were quartered in the houses of the neighbouring village. I do not pretend to defend the conduct of the Spanish government (as their behaviour to the Legion in many cases was most shameful, and the sufferings of the men dreadful), but was Major Richardson's department quite free from blame? Did the health and morals of the Legion not assume quite a different aspect as soon as General M'Dougal was appointed Quartermaster-General?

“ Sir Henry, by the report, in speaking of the sufferings of the Legion at Trevino, says, that while he commanded a brigade there he did not lose a man.

“ Was not the Peninsular army at Vittoria the *élite* of all those who had ever landed in the Peninsula? the weakly soldiers either being dead or employed in garrisons.

“ I commanded the Irish brigade when they marched from Vittoria, in April, 1836, 1,875 strong, and they landed in St. Sebastian, from Santander, 1,872, losing three men, not having one complaint against them from the inhabitants during that long march; and at Velorado the junta of the town thanked the officers and men of the 4th and 8th regiments for their good conduct.

“ It is not true, that the 10th Irish regiment offered to fire on a Scotch regiment.

“ It is not true that the 8th Scotch regiment were put on board boats (to go in pursuit of Gomez) by the bayonets of the 9th Irish. I was present with Lord John Hay and Colonel Wylde, and, if my memory does not fail me, Major Richardson was in St. Sebastian that day.

“ The fact is, the Scotch would not embark without their pay, but said they were ready to go any where if paid. The Irish said they were ready to go whether they were paid or not.

“ Both regiments embarked; but it is not true they were marched through a line of Spanish troops. The Spanish Guards at the gates turned out as a compliment, and this compliment, Sir, is thus shamefully taken notice of to make it appear a disgrace. The Scotch, who said their year of service was finished, were not marched as prisoners to the castle of St. Sebastian. As to the 10th Irish regiment threatening to go over to Don Carlos, it is so absolutely ridiculous, that the writer must have been listening to the conversation of some drunken fellows while spending their four dollars each.

“ Now, as to our characters, as officers and men, being unhumanised by this horrible war, I shall refer solely to the points mentioned in the report of *The Morning Chronicle.* In *The Monthly Repository* the ‘eye-witness’ says, that on the night before the action of the 5th of May, the commanding officer of the rifles ordered his men to ‘give no quarter, and to kill the wounded.’ I know Major Fortescue, and I do not believe him capable of making use of the latter words of the order; and I am certain of one thing—and I state it after years of experience—that, be the officer who he may who gave such an order, he must be aware that neither English, Irish, nor Scotch soldiers would obey such a ‘barbarous Don Carlos order.’ But if this ‘eye-witness’ heard such a speech, did he not, on the afternoon of the 1st of August, see the soldiers of this very regiment of rifles carrying a wounded Carlist soldier on their shoulders, defending him against the attacks of the Christino Spaniards, until they had placed him in a hospital? This gallant officer—no friend of Colonel Evans, but an officer with a British heart, cannot help saying what I say—it really is too bad.

“ The Report in *The Morning Chronicle* says, that the gallant Colonel of the 4th regiment said, ‘Now, we will have no nonsense, no firing behind walls, fix bayonets, walk into them and skewer the scoundels,’ and that these orders were given in cold blood the day before the action. Now, as to the facts. The commanding officers of the 4th and 8th regiments had served under my command in Portugal. They landed from the steamer during the action. While I was explaining to both (within 200 yards of the enemy, exposed at the moment to a heavy fire, and while men of both regiments were knocked down) that our great loss had been owing to our men halting to fire, I said I hoped they would run at the enemy with the bayonet. They did run at the enemy with the bayonet, and the enemy fled. Surely if the commanding officer of the 4th gave such an order, it cannot be said it was given the day before the action, as he was then actually in Santander. It is stated, that the Irish, like the first brigade, bayoneted all those that came near them. Now, what is the actual fact? Don Carlos had sent to St. Sebastian to inform General Evans that the Durango decree would be put in full force against all ranks of the Legion. This caused a great sensation, and I believe some officers made use of hasty expressions like that said to be used by Major Fortescue. When the Irish brigade was formed before daybreak, for the attack on the 5th of May, I called the officers together, and begged them not to give way to their naturally outraged feelings, to which they at once agreed. I went from the head of the brigade to the rear, begged the men to be silent, not to fire, and hoped they would not hurt a prisoner, as ‘it would tell well for the Irish in England.’ They most gladly assented, only some asking if there would be much harm in shooting Don Carlos? Before the last assault of the lines, the enemy had time to carry away their wounded; and, from five hours fighting on clayey, heavy ground, the men could not follow rapidly enough to take prisoners. The Irish entered the battery nearly with the 4th and 8th, and only one prisoner was taken, and he was—[what Sir?—murdered?' ‘No,' says the gallant Officer]—not murdered by the Irish. Therefore the Irish kept their promise to me, and they did not bayonet the wounded. I know for a fact, that such was the desire of General Evans to humanise this war, that an officer in command thought it his duty, after guns were mounted in the Puyu battery, to inform the officer in command of the Carlist picket, that he had better withdraw his picket until the proper range of his picket-house was found. The Carlists' picket was withdrawn, both Legion and Carlist soldiers looking on; and after two shells had struck the house, the Carlist officer was informed he might return to his picket house. He came forward and thanked the Legion officer. I could mention many particulars. On the 16th of March, the Scotch, whose comrades had been barbarously murdered, returned, 'good for evil,' giving ten wounded Carlists bread and water, instead of hurting them. I hope I have now proved to you that we are not such barbarians as the report of the Debate may lead the world to believe. I have expressed no opinion as to whether matters were conducted properly or not in the Legion—that is another question; but as a soldier I consider it my duty to come forward to defend the characters and honours of men with whom I have fought. Major Richardson may or may not be a very good officer; but I fear there may be an *animus* in his publication, as in my official duty I received a letter from the officers of his regiment declining to serve with him. Adjutant-General Le Marchant is in town, and knows particulars, as the correspondence was sent to me through his office. I shall only say, that after some years of experience of 'irregular service,' difficulties arose for which great allowances ought to be made, both for officers and men. The facts are here before you; and if you show this letter to Sir Henry Hardinge, I feel certain his high, honourable mind will at least doubt the correctness of the extracts which he quoted in his speech. This has been written in a great hurry, and I do not think there are any inaccuracies.

I am, dear Sir, yours faithfully,
CHARLES SHAW."

"R. Otway Cave, Esq., M. P."

"P. S. Some excuse may, perhaps, be allowed for the inaccuracies mentioned by Major Richardson, as to the conduct of the men on the 5th of May, as in the early part of the day having received a contusion in the arm he left the field and remained in St. Sebastian till the fight was over. My authority for stating this, were different officers who saw him in town, but I myself did not see him, not returning till the evening of the 6th to St. Sebastian. I omitted to give you an idea of the style of men of which the Legion was composed. The bounty given to them was 2*l.* each. Very few of them kept more than 10*s.* to themselves, leaving the greater proportion to their wives, mothers, and sisters; and there were instances of brothers enlisting to employ the bounty in paying their parents' house-rent until their return. These men embarked in the Clyde, in steamers, and on an average, each ship left about 400*l.* The present Lieutenant-Colonel, Boyd, of the Legion, (Rifles), when my Sergeant-major in Oporto, after an action, wished to bury three Miguelite officers, killed close in upon our position. The enemy fired on anybody approaching these bodies. After three days, Boyd came to me with two sergeants to ask permission to bury them. At first I refused, when he said to me, 'The soldiers who die in front are always brave soldiers, whether friend or foe; do let us give them a soldier's grave.' I did so; but a heavy fire was kept on them while so employed."

Such were the officers, such the men, whom they were called upon by a vote of that House, for the sake of casting a slur upon the policy of the Foreign Secretary, and of embarrassing the Government, deliberately to stigmatise and ungenerously deprive of an opportunity of retrieving their late reverse. He called upon the House by the feelings of Gentlemen not to inflict this disgrace upon the Legion. Not to be guilty of an act of such monstrous injustice as to censure men who were not present to defend themselves. Let time be given them. It was unjust and ungenerous to judge them now. But for the facts he had stated to the House, and which had been in his possession only for a few minutes, a verdict would have been pronounced against the Legion; they would have been stigmatized in the face of Europe, and, as a natural consequence, mutiny and disaffection would spread through their ranks. Having said so much with respect to the officers and men of the Legion, he might now, perhaps, be allowed to offer a few words with respect to General Evans. He knew that gallant Officer to be actuated upon the occasion, as upon all others, by the highest, purest, and noblest motives. The gallant Officer opposite (Sir H. Hardinge) in the warmth of debate had called General Evans a mercenary. He was sure the gallant Officer did not mean deliberately to apply that term. However, that it might not go forth to the world on such high authority that General Evans was a mercenary, and that the men who served under him were a brutal and demoralized rabble, he would state one fact that he knew of his own knowledge. When General Evans was about to leave this country it was thought by many of his friends, by a general officer in the service, and by many others, that as he was giving up great advantages at home, exposing himself to great personal danger, and leaving his reputation (dearer to him than life) exposed in his absence to every species of slander, he ought to make some stipulation for himself; and a stipulation was made with the Spanish minister that he should receive 10,000*l.* Now General Evans was not a rich man, and might very well have accepted the 10,000*l.* which were offered him. What was the conduct of General Evans on the occasion? Wishing that there should be no possibility nor shadow of suspicion with regard to his motives, after the stipulation had been agreed to and signed by the Spanish minister, General Evans went to him immediatly and annulled and annihilated the whole of it, and insisted that he should not receive one farthing for his service in the cause of the Queen. He hoped, then, that the House would not consent to trample upon the reputation of that gallant soldier for the sake of casting a slur upon the policy of the foreign minister. Without wishing to impute motives to the gallant Officer opposite, he did not hesitate deliberately to say, that the charges brought against General Evans and the Legion, of brutality and inhumanity, and which in reality were the groundwork and sole pretext for this motion, were frivolous, unfair, and ungenerous. He lamented that the Legion had lately suffered a severe reverse; but against that reverse he thought in fairness its many victories should be placed. In seven out of the eight actions in which the Legion had been employed they had covered themselves with honour; and although in the eighth they had suffered a defeat, he thought he was justified in saying that they had not lost their honour. If he wanted an authority upon this point he might quote that of the French General Harispe, who, in speaking of General Evans, said his honour as a soldier remained untarnished; and then, as if anticipating this motion of the gallant Officer opposite, General Harispe went on to say: "I regret that the hateful spirit of party is likely to exaggerate this reverse, and to distort the facts relating to it. In my opinion, the honour of the British troops remains untarnished, and the noble conduct of the marines in covering the retreat proves that time and discipline only are wanting." He lamented that a time should have come when a British soldier, having his conduct assailed in the House of Commons, should be obliged to look to a soldier of France for an advocate. He regretted as much as any man the dreadful privations and sufferings that the Legion had undergone. Let not the House aggravate those sufferings by its vote that night. Let them not cast an unmerited stigma on unfortunate but gallant and absent men. Let them not cut off from the Legion all hope and every chance of recovering their character and credit. After the statement that he had made he hoped and believed that the gallant Officer (Sir H. Hardinge) would be ready amongst the first to do justice to the men whom he had unintentionally injured, and against whom he had allowed himself to bring allegations which were in themselves unfounded. But even supposing them to be true, the gallant Officer's was not the hand from which such a blow should be levelled against the Legion. In the beginning of the contest the cry of Don Carlos was, "Save me from Rodil!" He was saved from Rodil by British interference, and the return he made for it was the issuing of the sanguinary and butchering Durango decree. A newspaper which was generally the advocate of Toryism, had put the question of the right of Don Carlos to issue that decree in so just and proper a light, that he thought he could not do better than read the whole passage to the House. In *The Standard* of Thursday, March 28th, the following observations were made upon the subject:—

"And now we must say a word to two highly respected contemporaries, which have, this morning, rather severely reproved our opinions with respect to Don Carlos and his brutal Durango decree. We call the decree brutal, and its author a monster, unfit to live; because, though we see no use in exaggerated language, when the matter in hand is to deal with murder and a murderer, we will never mince our phraseology. Both the respected contemporaries whose displeasure we have incurred seem to go a great deal too fast in assuming that Don Carlos is entitled to exercise royal rights. Of what country is he king? Spain does not acknowledge him. No nation of Europe acknowledges him king of Spain. The Basque provinces, of part of which he holds military occupation—we are not concerned to deny, that he holds it with the consent of the people—the Basque provinces have never yet been recognised to constitute a separate state. Don Carlos and his followers are, therefore, whatever may be his title, in the condition of *de facto* rebels against a *de facto* government. If this prince considers himself as the sovereign and representative of a nation, why has he not declared war against England since the affair of Bilboa? The hostilities committed by the Government of this country against him, upon that occasion, were as unequivocal as we admit they were iniquitous and impolitic. Why not resent them by a declaration of war—by at least a royal remonstrance, and an appeal to the governments of Europe? But it is idle to pursue this inquiry further. Every one knows that Don Carlos is not a *de facto* king; but if not *de facto* king of Spain, he has no more right to enforce the laws of the Basque provinces—the pretext for the Durango decree, and for the murders committed in pursuance of it — than has the correspondent of *The Morning Post* or *Morning Herald*. He is, as Charles Edward said of himself, as yet a self-commissioned adventurer, supporting his own title, just as General Evans is an adventurer commissioned by the Queen, supporting the title of her Majesty. Now, there are evils enough necessarily attendant upon this war of adventurers without allowing it to familiarise the soldiers of modern Europe with the bloody sacrifices of barbarous times; and it is the business of all Europe to see that he who first attempts to introduce usages repugnant to the authorised laws of war be visited with an European chastisement. The justification attempted to be set up by one of our contemporaries—namely, the assertion that Carlos is menaced with a felon's death—is no justification at all. Every claimant of a throne already occupied *de facto*, if he press his claims by force, is, by the universal practice of mankind, regarded as a traitor, and exposed to the penalty of death, if defeated and captured. But are we to be told, therefore, that the supporters of a *de facto* prince, whether native or foreigner, justly forfeit their lives? The law of England, which merely echoes the rule of common sense, and the law of nations, has for 350 years, distinctly declared that the defence or service of a *de facto* government can never constitute a crime. But away with all this quibbling apology for a brutal decree which none but an inbred savage could fulminate, which none but a worse than butcher, an amateur hangman, could enforce in a single instance. Thanks to heaven, the whole tendency of modern war has for centuries run to the mitigation of the horrors inseparable from any form of military contest. Our generals—and we include Frenchmen, Germans, and even Russians, in speaking of the generals of our time—our generals have frequently had to apologise for advantages sacrificed, and triumphs forgone, through considerations of humanity. This Carlos, this pretender to a throne, but without commission or acknowledgement from any authorised sovereign, would replunge us in the carnage puddle of unpitying and unspairing slaughter. But,

'Gore-moistened trees shall perish in the bud,
And, by a bloody death, shall die the man of blood.'"

In that sentiment he concurred and he hoped Don Carlos might die the felon's death; and if it should happen—as probably it might happen—that he should fall at last into the hands of the constitutional government of Spain, let them recollect the way in which their clemency had been recompensed on former occasions. Let them have for ever in recollection the fate of those patriot martyrs who, when plunged into the dungeons of the inquisition, refused to betray the secrets of their associates, and allowed not a sigh of weakness to escape from them while their limbs were dislocated by the executioner. Let them recollect the fate of Riego, whose character, both in public and private life, was almost without reproach; yet this could not secure him from the death of a felon and a malefactor, nor from indignities and tortures which it would be too revolting to describe. He would further say, if the constitutional party in Spain should ever have power, let them place their institutions out of the reach of danger. When the sword of justice should be committed to their charge, let them not idly trifle with the awful responsibility which would devolve upon them. When the upas tree was within their reach, let us not see the hatchet tremble in their hands; let not the people of Spain, in the first dawn of liberty, be still frightened and subdued by the spectre of departed despotism.

Sir *Henry Hardinge* wished to say a few words in explanation. What the hon. Gentleman had stated to the House could call forth nothing but sympathy on the part of all, and he should be most happy if anything he could say would give the hon. Gentleman satisfaction. The House must be aware that when he (Sir Henry Hardinge) made his statement he cautiously abstained pledging himself to the accuracy of that statement. He mentioned as his authority the name of Major Richardson. He had made inquiry as to the character of that officer, and the result was of such a nature as to justify him *primâ facie* in giving credit to that gentleman's statement. It appeared that Major Richardson, in consequence of certain allegations contained in his production, gave offence to certain officers of his regiment, who called him to account, and a court of inquiry as held upon him. The result of that inquiry was a distinct admission on the part of Lieutenant-general Evans, in his own hand-writing, and which was in Major Richardson's possession, that there was not the slightest imputation in any respect against Major Richardson, who subsequently to the offence given by him to his regiment, obtained his majority. He (Sir Henry Hardinge) had therefore given credit to an officer holding his Majesty's commission, and who after his offence, had been promoted, [cries of *Explain, explain*!"] He was sure the House would allow him to—

Mr. *Barron* rose to order. The hon. and gallant Officer was not confining himself merely to explanation, but was making a speech; and this was at least the tenth speech he had made on the present question.

The *Speaker* observed, that anything which the right hon. and gallant Officer had himself said he was justified in explaining; but with respect to the conduct and character of Major Richardson, he apprehended that other persons were just as competent to speak to that as the right hon. and gallant Officer.

Sir *Henry Hardinge* was sure that the House must be perfectly aware that as he had made his Motion by way of Amendment, he had no right to a reply. If he had had that right he should not have risen at the present moment. In answer, then, to the hon. Member opposite—

Mr. *Barron* said, it was quite obvious, from what the right hon. and gallant Officer had himself stated, that he was taking an opportunity to make a reply which the rules of the House did not justify. [*Order, chair.*] He rose to order, and would appeal to the Chair whether the right hon. and gallant Officer was in order.

The *Speaker* repeated, that the rule of the House was, that if anything which the right hon. and gallant Officer had himself stated was misrepresented by any hon. Member, then he would be entitled to give an explanation as to that point; but the rule would not permit him to make any additional remarks to his own former statement.

Sir *Henry Hardinge* said, it was not usual for any hon. Member to read a letter in reply to any speech which had been made by another hon. Member: but he had made no objection to that course being taken by the hon. Member for Tipperary; on the contrary, he thought it was only an act of justice to General Evans that it should be done, and instead of objecting to its being done, he was rather pleased, because it afforded him (Sir Henry Hardinge) an opportunity to explain; and he certainly was surprised that any hon. Member should be so presumptuous as to—[*Order, order*].

Mr. *Barron*: I presume to do my duty in this House, and I conceive it is excessive impertinence on the part of the gallant Officer, [*Order.*]—I appeal to the House whether [*Order, chair.*]

The *Speaker* was sure that the hon. Member must feel that he had used an expression which, on reflection, he would not have used towards any hon. Member.

Mr. *Barron:* If the gallant Officer stands up and says that he does not mean that it was presumptuous in me to speak to order, I shall be satisfied; otherwise I shall be bound to take notice of it. It is not the first time I have seen this kind of conduct in this House, on the part of the same hon. and gallant Officer.

Sir *Henry Hardinge*: I admit it is possible to take offence at a person's manner as well as words; but I appeal to the House whether my manner was calculated to give offence. I assure the House that it is the farthest from my intention to offer anything in the shape of insult to any individual. At the same time if I pass by what was said, as to the expressions which have been used by the hon. Member, at the present moment I entirely pass them by. The right hon. and gallant Officer then proceeded with his explanation of the observations he had made on General Evans's conduct.

Captain *Curteis* rose to order. He really thought that the gallant Officer ought to give some explanation as to the word "presumptuous," which he had applied to an hon. Member of that House.

Sir *Charles Burrell* was sure, after what the right hon. and gallant Officer had said as to his not intending to give any hon. Member offence, that must be perfectly satisfactory to the hon. Member (Mr. Barron) and to the House also.

Major *Beauclerk* quite agreed with the hon. Baronet, and was sure that the hon. Member for Rye must feel satisfied with the explanation which the right hon. and gallant Officer had made.

Viscount *Palmerston* would not have risen but for some words which fell from the right hon. and gallant Officer, when he declared that he should pass by the expressions of the hon. Member for Waterford. The right hon. and gallant Officer, in making that statement, used the words "at present." He would appeal to the right hon. and gallant

Officer, and to his hon. Friend whether, in the warmth of assertion which arose incidentally, both of them had not used one towards the other words which they would not probably, on cooler reflection, have used. The expression of the right hon. and gallant Officer was certainly offensive in its nature, though he had no doubt that the right hon. and gallant Officer did not mean it to be so. The words retorted by his hon. Friend were also offensive, though he was equally sure that his hon. Friend would not knowingly use towards any hon. Member terms of provocation, or words that were offensive. He would, therefore, submit to the consideration of the House whether both the hon. Members should not feel, upon consideration, that those words ought not to have been used.

The *Speaker* said, that after what had occurred, he should have been quite satisfied if the matter had been suffered to drop, had it not been for the expression used by the gallant Officer alluded to by the noble Lord.

Sir *Henry Hardinge* knew from experience how futile it was to waste the time of the House upon this kind of what he supposed he must call a point of honour. He hoped it was not necessary at his time of life to say much upon this subject. But he could not help observing that before he made use of the expression presumptuous—a word which was not, he admitted, strictly Parliamentary — the hon. Member's manner towards him was not that which one Member ought to use towards another. It was, however, useless to pursue the matter further, and as far as he was concerned, having used the word "presumptuous," he should not found any proceedings on the expressions of the hon. Member.

Mr. *Barron* said, that as he understood the gallant Officer had withdrawn the expression, which was the sole cause of the observations he (Mr. Barron) had made, he felt of course bound to withdraw the words which had been used by him in reply.

Sir *H. Hardinge* would merely say, that he did in his opening speech state that the British Legion had on several occasions signalised themselves by acts of bravery; and that it was only when they had degenerated into a system of insubordination and mutiny that their services were rendered nugatory. Perhaps the hon. Gentleman would recollect that he did make use of those expressions; consequently he would hold him free from any desire to throw unnecessary obloquy upon the troops.

Captain *Boldero* said, it was his intention last night to have stated that Major Richardson had been most wantonly, outrageously, and wickedly calumniated by the hon. and learned Member for Kilkenny.

Mr. *Morgan O'Connell* rose to order. He wished to know whether it was orderly for any hon. Member to say, that any person had been wickedly calumniated by another hon. Member.

The *Speaker* said, that the hon. Member had unquestionably used an expression which he ought not to have used.

Captain *Boldero* said, if he had used any expression that was offensive, and contrary to the rule of debate, he most cheerfully retracted it. The hon. and learned Member declared that Major Richardson was dismissed the service of the Queen of Spain, and that his character was such that the officers of the Legion refused to associate with him. It was very true that the officers of the 6th regiment wrote a letter conveying the sentiments of those officers to Major Richardson. The facts were these:—Major, then Captain, Richardson, was wounded on the 5th of May in Spain, and he returned to England on sick leave. When in England he published a narrative of the proceedings which had taken place in Spain. On his return to Spain, the officers of the 6th regiment considered that he had reflected on their character in his narrative, and they wrote a letter desiring him to retract the accusations he had made. Captain Richardson immediately wrote to General Evans, demanding a court-martial, either upon himself or upon the officers who wrote the letter. Some time elapsed, but at last a court of inquiry was held upon Captain Richardson's conduct. Captain Richardson, after the action of the 5th of May, felt aggrieved because he was passed over in the promotions, while a junior captain received the rank of major. The court of inquiry assembled on the 30th of June, 1836, upon charges against the captain, one of which he had never heard of until he returned from England. One was the having written the pamphlet in England speaking in terms not very flattering towards the Legion; and the other was, that on the 5th of May, he received a wound in the field, which was very trifling, but that, notwithstanding, he went to the rear. The hon. Member, to prove that the wound was not trifling, read the evidence of the two medical men, given before the court-martial, who attended Captain Richardson when he left the field, having received a contusion, and one of them added that he had recommended that officer to retire. He then read the opinion of the court-martial, which was to the following effect; namely, "that the court having maturely weighed and considered the papers which were laid before them, both printed and written, was of opinion, that although they exhibited considerable disappointment and irritation on the part of Captain Richardson, still, under the circumstances of the case, they considered there was nothing in them calculated to cast any discredit on the Legion." With respect to that officer having retired from the field on the 5th of May on the plea of being wounded, the court was of opinion that it appeared, that he did not until he had been desired by the surgeon to withdraw to the town: they therefore considered that not the slightest imputation rested on him for having retired. The minutes of the court-martial were signed by General Chichester, who presided at it, and it was composed of some of the most distinguished officers of the service. In addition to this, General Evans made some observations on the proceedings. He said, that not the slightest imputation rested on the character of Captain Richardson; and, on the other hand, he stated that the officers of the 6th regiment, not knowing all the circumstances of the case, only evinced a becoming spirit in endeavouring to vindicate themselves from what they conceived to be unjust charges on them. He also added, that if Captain Richardson had not tendered his resignation, an opportunity would have been taken of doing justice to him by promoting him. After this, he had no hesitation in saying that his friend, Captain Richardson, ought to be considered as honourable a man as any one who heard him. Captain Richardson afterwards consented to remain with the Legion, when General Evans promoted him to a majority in the 4th regiment, and that officer continued for a long time to do duty with that regiment, and at the time wore on his breast a badge of honour that had been conferred on him by General Evans. With respect to the general question, he wished make a few observations. He knew that the chapelgorries went into the action on the 16th ultimo with the determination of neither giving nor taking quarter, and in consequence of this, the Carlist soldiers came to the same resolution. The men of the Legion being mixed up with the others, were driven by self-defence to act upon the same cruel and revolting principle. It was very natural that it should be so. He would do the same himself, for if he saw a man who he knew would, if he had the opportunity, stick him through, by George, he would, if he had the opportunity, serve him the same. Again, with reference to the raising the siege of Bilboa, he knew that had been done almost entirely through the exertions of Colonel Wylde, than whom there was not a better officer in the British service; he planned this enterprise, and it was almost entirely executed by the British naval force and the artillery. The Carlists might have taken the place by assault some time before, but Don Carlos abstained from doing so from feelings of humanity. Such was the small quantity of provisions in the place, that the soldiers and inhabitants were almost dying from want. Don Carlos, therefore, considered that within a very few days the town must capitulate, when he could march his troops into the place with some degree of discipline, and thus the inhabitants would not be exposed to the horrid scenes and privations that almost always accompanied an assault on a town. In the meantime, however, Colonel Wylde found means to raise the siege. Again, it had been said, that but for the British Legion being retained at San Sebastian, that place would have fallen into the possession of the Carlists; but such was the strength of that fortress, that if the Spaniards were true to themselves, Don Carlos never could gain possession of it. He was satisfied that the late defeat of the Legion was solely attributable to the infamous conduct of the Spanish government towards that force. This diastrous result did not arise from any want of animal courage on their parts, but from the want of fair treatment, the men could not be relied upon. Their proceedings cast no stain on the reputation of the British arms, for the conduct of the troops in the north of Spain, on many occasions, added a lustre to their character.

Mr. *Roebuck* said, he was quite surprised at the appeal which had been made to him by the hon. and gallant General opposite. If the hon. and gallant General thought thereby to catch a vote, he would find himself exceedingly disappointed. As to this question of intervention, as it was called, the hon. and gallant General must by this time be well aware that his (Mr. Roebuck's) opinion was decidedly against any interference on our part in the affairs of foreign countries. [*Hear*] The hon. and gallant Gentleman opposite said, "Hear, hear," with great complacency. Did the hon. and gallant Gentleman mean to imply that his party had never interfered in the affairs of foreign countries? Could the hon. and gallant Gentleman deny, that the oppressive burthen under which this country now laboured, arose out of our systematic meddling with foreign affairs of other nations, to our having been, as a witty writer had expressed it—the bull-dogs of Europe? Had not a former British Government—a Tory Government—interfered in Spanish affairs in just the same way, with only a difference in the manner of doing it, that the present Government now interfered in Spanish affairs? When Napoleon tried to introduce civilization into Spain, did not the British Government come forward and say to the Spaniards, "We will assist you in your glorious struggle—we will fight for your threatened liberties, and so forth;" and did they not act upon this promise? And what was this but interference? Oh, but it was now said, "We must not support the Spaniards, for they are so cruel in their warfare;" just as if the Spaniards had not been cruel, most cruel, in their treatment of the soldiers of Napoleon! Oh, it was said, "But we insist upon giving Spain a constitutional monarch." How had we taken advantage of our former opportunity of establishing a constitutional government over the Spaniards? Why, we gave them the beloved Ferdinand. It was most surprising, therefore, looking at this and similar circumstances, that hon. Gentlemen on the other side of the House, should attempt to persuade Members of the House to vote against Ministers because they had interfered in the present struggle in Spain. It was not surprising either, for it was clear enough that the hon. Members opposite made the thing a party question, in order to see whether they could not weaken the hold of their opponents in office, and so get into office themselves. On the field of Spain the Tory quarrel against the present holders of office was fought, and the hon. and gallant General appeared desirous of seizing the occasion to enlist the Radicals under his banner. Speaking as one of these Radicals, he begged to state that his quarrel with Ministers on this subject was not on the grounds enlarged upon by the hon. and gallant General and other Members on the opposite side of the House. The quarrel with them was quite of a different nature. Addressing Ministers on the behalf of the people of great Britain, he would tell them that his quarrel against them on this subject was, that they had interfered in a matter with which they had no possible concern. That the interference was one that had been an exceedingly expensive affair, that it might involve us in a war with more than one powerful nation, and that it was an interference which could do no one any good. It was perfectly absurd to suppose, that a constitutional government could be established in Spain or any other country by foreign interference. A nation must establish a constitutional Government for itself, or go without it. If constitutional Governments were things so much to our liking, he should like to know why we confined our efforts for their establishment to Spain? He should like to know whether Ministers considered there was a constitutional Government in France at this moment, and if such was not their opinion, as it could hardly be, why they had not long since set about affording assistance to the liberals in that country? He should like to know whether ministers considered that the acts of Don Carlos in Spain could by possibility have a worse effect on constitutional principles than the mad doings of Louis Philippe in France? It appeared to him that if government persisted in their interference in Spanish affairs, they must, on the same principle, enter upon a general crusade against all the despotic governments of Europe. Before, however, we proceed to the quixotic task of forcing constitutional governments upon all the nations of Europe, whether they would or no, it would be as well for us to ascertain whether the nations subject to the British Crown were all secured in constitutional governments? How long ago was it, he would ask, that the British House of Commons had voted away the constitutional rights of the Canadians? Was the voice of the hon. and learned Member for Tipperary heard in defence of the outraged Canadians—he who so loudly claimed for the Spaniards the support of the British Legislature? The fact was, that all these questions were for the most part treated by the respective leading parties in that House as mere implements for effecting their own particular objects—the Tories struggling to get into office, the Whigs to keep in office; while the hon. and learned Member appeared to work everything for Irish purposes. Ministers were ready enough to throw away 600,000*l.* in this way, but for the great purposes of education they grudged a paltry 20,000*l.* It had been laid down in a publication which might to a certain extent be supposed to proceed from some hon. Members of that House, though he was not himself one of them, that the course for the Radicals was to vote on all questions without reference to any idea of keeping in or throwing out the present Ministry. Now it had throughout been the broad principle of the Radicals that interference with Spain was improper and uncalled-for, on the ground that with foreign nations we ought to have no relations other than commercial ones. This was the principle laid down by the new President of the United States. Sounder policy it was impossible to proceed upon; and he would call upon the Radicals in that House to act upon this principle which they had repeatedly declared to be, in their opinion, essential to the maintenance of cheap and good government all over the world. He would put it to the Radical Members whether consistently with this policy they could support the Ministerial counsels on this occasion. The assertion of this great principle was of far higher importance than the maintenance of any Ministry whatever. Supposing now that hon. Gentlemen opposite should get into office, and should take it into their heads — and nothing was impossible — to call upon Russia, Austria, or Prussia, or any other despotic power, to send them assistance to enable them to maintain their constitutional Government here, how would the country like this? There was no proof that the Spaniards liked what we wished to impose on them as a constitutional government. If they wanted it let them fight for it; it was no possible affair of ours, and they did not thank us for our interference in the matter. All we had to do was to look to ourselves. And then as to this "intervention" of ours, what a farce it was; never was there a more monstrous and unmeaning piece of patch-work. It was neither interference, nor co-operation, nor intervention, nor anything else: it was mere peddling. Surely if anything was to be done it should be done properly, and in an efficient manner: if we really thought that a constitutional government should be established by our assistance, and if we thought proper to give that assistance, let the House vote supplies to his Majesty for the purpose, let us fit out a British navy, let us send out by it a British army, and let that army land in Spain and fight under the British flag. But what where we doing now? Neither one thing nor the other. If this country was not interfering in Spanish affairs, what business had our troops in Spain? It was mere special pleading to talk about our marines there being only a naval force. The common sense of this country at once saw through the attempted delusion. There had been three more nights wasted on this subject. How was it that the noble Minister for Foreign Affairs had not got up in a manly and honest way, to say what he had got to say immediately after the hon. and gallant General opposite had made his statement? Why was it that he had allowed so much of the public time to be wasted? The noble Lord seemed to think that there was a sort of bush-fighting going on, and to be afraid lest he should be hit down the moment he ventured to show himself. It was most outrageous that when an important question of foreign policy was before the House the Secretary of Foreign Affairs should so long decline to come forward and let the House understand what it was he proposed to do. Not, for that matter, that he (Mr. Roebuck), even when the noble Lord did enter into his explanations, could very well make out what the explanation was, for the noble Lord had a peculiar faculty for making a long speech without letting the House know, in the slightest degree, what he was talking about. The noble Lord had almost invariably contrived to wrap up his replies in so peculiar a phraseology as to put in despair all those who sought an elucidation of the mysteries of his foreign policy. There were three nights of the public time wasted in hopeless discussion, solely because the noble Lord had not the courage and the manliness to come forward at once and explain in clear terms what his policy really was. Certainly if anything ever required a clear explanation it was the policy of ministers; theirs was the true see-saw principle

—now to this side, now to that side leaning.

Mr. *Cutlar Fergusson*:* Sir, the hon. and learned Member for Bath has, with his usual impartiality, and the usual courtesy towards both sides of the House, intimated that he considered this to be a battle, not for or against the cause of Queen Isabella and of free institutions in Spain, but a battle on the one side to get into place, and on the other to retain it. Whatever may be the motive of those who have brought forward the motion,—and I should be the last to impute any thing like unworthy motives to the right hon. and gallant Officer who introduced it to the House,—I utterly deny, that the motives of those who oppose the motion can fairly be stated to be such as the hon. and learned Member for Bath has chosen to impute to them. It is not the first time that the hon. and learned Gentleman has stigmatised the Members of his Majesty's Government, as men whose only object was the retention of office. Is there nothing involved in this motion but a question of office? What is the charge that has been made against Ministers? They are charged with having, by their system of foreign policy, and the measures which they have pursued in the course of it, disgraced and dishonoured the British name in the eyes of Europe and the world. The question put to those who think well of the present Government, and who place confidence in them, as well as to those who, without being attached to the Government, are unwilling to do them injustice, is not whether Ministers shall, by the result of this motion, retain or lose their places, but whether their character and their honour, in the transactions respecting Spain, shall be vindicated, or shall be declared to be forfeited by a vote of the House of Commons? It is a question, Sir, of greater importance than a question of office. It is whether our system of foreign policy shall be maintained or given up; and whether an ally who, upon the faith of treaties, claims our assistance, shall be supported or abandoned. The hon. and learned Member for Bath seems to be alarmed, lest the Members of what is called the Radical party in this House should not see the conduct of Ministers in the same light with himself. I trust and believe that he will have, on this occasion, to pass condemnation on his own Friends, and to class them with those whom he chooses to consider as his enemies, or, as he would put it, no doubt, as the enemies of the people. It is evident, from the tone assumed by the hon. and learned Gentleman, on this as well as upon other occasions, that he wishes to establish for himself the reputation of being the only honest man in this House and in the country. Those whom the hon. and learned Gentleman has addressed as his Friends, upon this occasion, are not to be led away by mere vituperation—they will exercise their own judgment—and if they are of opinion that the conduct of Ministers has not reflected that disgrace and dishonour on the country which the supporters of the motion endeavour to establish, they are bound in honesty to vote against the motion, which seeks to affix that stigma upon his Majesty's Ministers. Let it be observed, that it is sufficient, on this side of the House, that the attack on the Ministers be repelled. No vote is called for in favour of Ministers; although I am of opinion that the whole of their policy in respect of Spain, and of the measures which have been adopted by them in pursuance of that policy, may be fully justified on the soundest views that can be taken of the interests of the country, and the best precedents that our history affords. The hon. and learned Member for Bath has said that this country ought not, on any occasion whatever, to interfere in the affairs of other countries—that she ought to enter into no treaties—to form no alliances with other States;—and it is upon such principles that he calls upon the persons whom he styles Radicals, in this House, not to give their support to the foreign policy of Ministers, or, in other words, to vote against them on this motion. That the general principle of the foreign policy of this country ought to be non-intervention in the affairs of other countries, cannot be denied; but that there are occasions which form exceptions to this principle, cannot, I think, be disputed. Take the case of the Peninsula:—the affairs of that country never have been and never can be indifferent to this country or to France,—and I contend that there may be occasions in which France and England would be justified in interfering in those affairs—France more particularly in respect of Spain, and England in respect of Portugal. The hon. and learned Gentleman, in denouncing all treaties between this country and foreign powers, has forgotten that we are already bound to Portugal by solemn treaty, and that we may be called upon again, as we have been called upon already, to put forth our strength, and to employ our forces, naval and military, in support of this ally. No person that is, in my opinion, worthy of the name of statesman, has ever laid it down that England—a great and powerful state like England—could detach and isolate itself from the affairs of the continent of Europe; and if there be one connexion or alliance more than another, to which England ought to adhere, not only in a commercial, but in a political point of view, it is Portugal. The right hon. and gallant Member for Launceston, can tell of what importance our alliance and near connexion with that state was, during the great war in which he bore so distinguished a part. If France should ever resume her power over Spain, and if the good understanding which subsists between this country and France should ever be unhappily interrupted, which God forbid, for I think it would be a great calamity to both countries, and to Europe; but, should this ever occur, (and treaties are made as much, or more, with a view to a possible state of war than of peace,) the importance of our connexion with Portugal would again be sufficiently appreciated. In the mean time, all must be agreed, that France and England are deeply interested in the peace and tranquillity of the Peninsula—and, if not exclusively, certainly more deeply interested in it than any other of the nations of Europe. This was the feeling and the principle on which the Quadruple Treaty was founded, and in the spirit of which those measures have been adopted which have called forth the unmeasured censure of the opposite side of the House. The right hon. and gallant Member who moved this question, said, that he would not observe on the Quadruple Treaty; that his concern was with the Order in Council; and that there was no connexion between the Quadruple Treaty and the Order in Council. I cannot concur in this opinion. By the Quadruple Treaty, the Queens of Spain and Portugal became the allies and confederates, for a particular object, of the King of Great Britain and the King of the French. Certain measures were taken by both these sovereigns in pursuance of that treaty, and with a view to carry into effect the objects which that treaty had in view. France not only permitted, but authorised and sanctioned, the levying of soldiers and corps in France, to act as auxiliaries to the Queen of Spain. The King of England relieved his subjects from a restriction which had been imposed upon them by the Foreign Enlistment Bill, as far as respected the service of our ally the Queen of Spain. This, if not required by the precise terms of the Quadruple Treaty, was a very natural consequence of it, and was in the spirit of its provisions, and in fulfilment of the object it had in view. The policy of the Quadruple Treaty itself was, in my opinion, fully justified. Without the Quadruple Treaty, Don Carlos became King of Spain, and Don Miguel King of Portugal, under the protection of the northern powers of Europe. Let us see what led to the Quadruple Treaty. On the death of Ferdinand of Spain, which happened in September, 1833, the Sovereigns of England and of France saw the necessity, for the peace and tranquillity of Spain and of Europe, of maintaining the title of Isabella to the throne of Spain. France and England seemed to run a race to try which should be the first to congratulate the Queen of Spain, and to offer her their aid and assistance in maintaining her on the throne to which she had succeeded. I will not here enter into a discussion of the right of the Queen of Spain to the throne. The right hon. seconder of the motion has said, that, upon inquiry, his impressions were in favour of her rights. On a former occasion, I have stated my opinion, that she had in her favour every sanction that law and right could give to any sovereign. No one, at least, will deny, that at the death of Ferdinand, she became possessed of the throne of Spain. As Queen of Spain, she became our ally; and became bound to us, as we became bound to her, together with other powers, by solemn treaty. But it is said, that it is not denied that the treaty is binding upon us, and that it ought to be carried into effect; but then, it is contended, that we have gone beyond the treaty, and even have contravened the terms of it, as some have contended. Let us consider, then, what we were bound to do by the treaty, and what we have done under its provisions. The treaty, dated the 22nd of April, 1834, although intended to have a more immediate and direct operation at the time on the affairs of Portugal, did by no means lose sight of the interests of Spain. They are prominently put forward in the preamble, which, after stating that the Regents of Spain and Portugal, having come to the determination of uniting their forces in order to compel Don Carlos and Don Miguel to withdraw from the Portuguese territories, "had addressed themselves to the King of Great Britain and the King of the French,—who, considering the interest they must always take in the security of the Spanish monarchy," [mark the words well,—the security of the Spanish monarchy], "and being further animated by the most anxious desire to assist in the establishment of peace in the Peninsula, as well as every other part of Europe, and his Britannic Majesty considering, moreover, the special obligations arising out of his ancient alliance with Portugal, have consented to become parties to the present engagement." Then follow the articles of the treaty, the object of which is the establishment of peace both in Portugal and Spain, by the expulsion of the Infantes from Portugal, where Don Carlos and his adherents were not only supporting the cause of Don Miguel in Portugal, but were conspiring against Donna Isabella, and the security of the Spanish monarchy. By the second article of the treaty, it is accordingly stated, that the Queen Regent of Spain, having just cause of complaint against the Infante Don Miguel, by the countenance and support given by him to the Pretender to the Spanish crown, engages to cause such a body of Spanish troops as may be agreed upon to enter the Portuguese territory, to co-operate with the troops of the Queen of Portugal, for the purpose of compelling Don Carlos and Don Miguel to withdraw from the Portuguese dominions. Here, then, are military operations contemplated and agreed upon by the contracting parties, to be carried on by Spain and Portugal acting in co-operation within the Portuguese territory. Now, what does Great Britain, another of the parties, engage to do for the common object? By article the third, the King of Great Britain engages to co-operate, by the employment of a naval force, in aid (observe well the words which follow) of the operations to be undertaken in conformity with the engagements of the treaty, by the troops of Spain and Portugal. Here, then, is a naval force contemplated to be employed, not in aid of another naval force of an ally, nor against a naval force of an enemy at sea, but in aid of, and in co-operation with, the military force of an ally carrying on its operations on land. In whatever manner, and to whatever extent Great Britain has been accustomed with her naval force to aid and co-operate with her own military force in similar cases, I contend that, in the same manner and to the same extent, she was bound to aid and co-operate, in this case, with the troops of her allies. But, it is contended, that the same reasoning, if it were good in respect of the treaty, dated the 22nd of April, would not hold good in respect to the additional articles, dated the 18th of August, 1834, in which it is said, that there is no mention made of military operations, or of the co-operation of a naval force with such military operations.

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* From a corrected Report.

Sir, I am persuaded that this House will not listen to such quibbling on the construction of a treaty with an ally. I contend that, if the words of the treaty of the 22nd of April would justify the co-operation of a naval force in the way I have mentioned, we are bound to give the same construction to the additional articles when the words "naval force," are again employed. The immediate effect of the Quadruple Treaty of the 22nd of April was the expulsion of Don Carlos and Don Miguel from the territories of Portugal. Don Carlos, having taken refuge on board the Donegal, a British ship of war, and having placed himself under the protection of the British Government, arrived in England on the 1st of June, 1834; but soon quitted that protection, and repaid it in the manner that is so well known. He left England about the 1st of July; and, having passed clandestinely into France, and through France into Spain, arrived in Navarre about the 10th of the same month. The events which followed his arrival in Spain, made it necessary for the parties to the Quadruple Treaty to take fresh measures for the carrying its objects into effect. The more particular and direct object of the additional articles was to uphold the throne of Isabella, by putting down Don Carlos, and the insurrection in Spain, at the head of which he had placed himself; and thereby to give peace and tranquillity to the Peninsula. For this purpose the additional articles, dated the 18th of August, were entered into by the same parties; who, as the preamble states, had taken into consideration the recent events which had occurred in the Peninsula, and were deeply impressed with the conviction that, in the new state of things, new measures had become necessary for the complete attainment of the objects which it was the purpose of the treaty to accomplish. The object of the additional articles, Sir, was not for the expulsion of Don Carlos and Don Miguel from Portugal, for that had been already accomplished; but the object of the additional articles, like the object of the original treaty, was the establishing of peace in the Peninsula, and giving security to the Spanish monarchy, in which the Kings of the French and of Great Britain had declared, by the treaty, that they must always take an interest. By the first additional article, the King of the French engaged to take the measures best calculated "to prevent any succours of men, arms, or warlike stores, from being sent from the French territory to the insurgents in Spain." By the second article, the King of Great Britain engaged "to furnish to her Catholic majesty such supplies of arms and warlike stores as her Catholic majesty might require; and further to assist her majesty, if necessary, with a naval force." Now, it is contended, that, if the words of the treaty of the 22nd of April could have justified the co-operation of a naval force with military operations in Portugal, the same mode of co-operation in Spain could not be justified under the additional articles, in which there is no mention whatever made of military operations in Spain. Those who reason in this manner, consider the treaty and the additional articles as separate and distinct treaties, having no sort of connection with, or bearing on, each other; whereas I contend that there is but one treaty, and that the whole of the articles, original and additional, must be taken together, and must be construed so as to support and give effect to the common purpose for which they were entered into. Nobody knows better than my hon. and learned Friend opposite (Sir William Follett), that, in Acts of Parliament relating to the same subject matter, although there may be no direct reference in one Act to the other, they are, every day, taken to explain each other; and that they must be construed so as to give effect to the common purpose they appear to have in view. But will the House permit me to refer them to the fourth additional article, which will, I think, remove all doubt, if any could have been entertained on the point? The article is to this effect:—"The foregoing articles shall have the same force and effect as if they were inserted in the treaty of the 22nd of April, and shall be considered as forming a part of the same." Will it be contended, after this, that the words "naval force," must be construed differently, and less largely, when used in the additional than in the original articles of the treaty? Sir, it is clear that, in both cases, the naval force was to co-operate with military operations; and when the seat of war was transferred from Portugal to Spain, the obligation of Great Britain towards Spain, as to the co-operation of its naval force, became identically the same as it was towards Portugal by the treaty of the 22nd of April. Then, Sir, as to the employment of marines in this co-operation, which has been so violently attacked on the other side of the House, I think my hon. Friend, the Secretary of the Admiralty, has disposed of that point. It has been said, indeed, that the cases cited by my hon. Friend do not apply, because they occurred when we were at war; and that they were cases of aid and support given by our marines to our own troops. This, Sir, I confidently maintain makes not the least difference. Whatever was fit for us to do, and was usual for us to do, for ourselves, we were bound to do for our ally under similar circumstances. If the service which we had engaged to perform for the Queen of Spain, with a naval force, required the aid of marines, we were bound to furnish them in such number as the service required, and in the same manner as we should have done had the operations on land been those of our own military force, in place of those of our ally. I will not, Sir, further labour this point, but will content myself by saying, that if there was a doubt respecting the construction of the treaty in this particular, which I contend there is not, it would become this nation to give the benefit of that doubt to her ally. I lament, Sir, that the evils of war have fallen upon the people of the Basque provinces. Their population seems much to resemble that of a part of my own country, which was formerly as attached as the Basques to their own customs and usages; who were devoted to their chiefs, and to that prince of the house of Stuart whose cause they espoused and supported by arms. It was impossible for those who met them in arms not to respect the motives that led their opponents into the field. My ancestors fought against the house of Stuart; one of them laid down his life in the field in defence of the revolution settlement. I am, and ever shall be, attached, as my fathers have been, to the principle on which that settlement was founded; but I respect that brave portion of my countrymen who fought in the cause of the prince whose right to the throne they considered to be just. I repeat, Sir, that I lament that the Basque provinces have been the seat of war; but the seat of war was not of our choosing, nor of the choosing of the Queen of Spain. Don Carlos was the enemy on whom war was made; it was necessarily made in the country where he was to be found, and where he was found in arms and in rebellion against the Queen of Spain. If the privileges of the Basque provinces be valuable to them, I shall rejoice if Great Britain be the means, at one time or another, of retaining them. But I say, Sir, that the miseries of the Basque provinces have been brought upon them, not by this country, or by the Queen of Spain, but by Don Carlos, who has fomented the rebellion, and headed the insurrection in those provinces against the lawful government of the Queen. I will now, Sir, proceed to consider the other point (a point of great importance) embraced by the motion of the right hon. and gallant Member for Launceston. He proposes, that we should address the Crown not to renew the Order in Council which permits his Majesty's subjects to engage in the service of the Queen of Spain, and which will expire on the 10th of June next. The noble Lord the Member for South Lancashire, has quoted a speech of Lord Melbourne, when a Member of this House, in the debate on the motion of Lord Althorp, to repeal the Foreign Enlistment Bill in 1823; and he has charged that noble Lord with inconsistency, in having agreed to the Order in Council, dispensing with the provisions of that Act in the case of British subjects engaging in the service of the Queen of Spain. The noble Lord, the Member for South Lancashire, produced, as is usual in such cases, a scrap of a speech, to fix a charge of inconsistency on the speaker of it. If he had continued his quotation he would have shown that what has been done by Lord Melbourne, on the present occasion, is not inconsistent with the principles laid down by him in the debate in question. The motion, on that occasion was for the total repeal of the Foreign Enlistment Act; Lord Melbourne, then Mr. Lamb, opposed it on the same ground on which I oppose the motion of the right hon. and gallant Officer,—as an attack on the prerogative of the Crown. Immediately after the words quoted by the noble Lord, the Member for South Lancashire, are to be found the following:—"He (Mr. W. Lamb) objected to the principle of the proposed measure, because, in his opinion, the prerogative of deciding for war or peace was vested in the Crown by the constitution of the country, and he wished to see that prerogative exclusively exercised by the Crown. He deprecated any attempt to take the exercise of that prerogative out of the hands of the Crown, or of his Majesty's Ministers, through whom the Crown acted, and to whom, from their superior knowledge it was most safely intrusted."* The object of the motion of Lord Althorp, on the merits of which I will give no opinion, was to take away from the Crown the prerogative of refusing leave to the subject to engage in the service of a foreign state. The object of the motion of the right hon. and gallant Member for Launceston is to interfere with the prerogative of the Crown, in preventing his Majesty from granting leave to his subjects to engage in the service of a foreign state, our ally, for purposes common to both, and sanctioned by solemn treaty between them. The right hon. and gallant mover of the question has deprecated the employment of British subjects in the service of foreign States, and the shedding of their blood in a cause not their own. Sir, I am not one of those who can regard with approbation the conduct of any man who sells his person and his sword to whomsoever will pay him, without regard to the cause in which he agrees to engage himself. But the British soldier, whose heart is in the cause in which he engages, in place of disgracing himself, is raised, in my estimation, by partaking in the dangers of such a cause, when his own country is at peace, and does not require his services. I believe that the officers of the Legion, and not only the officers, but the men when they engaged in the service of the Queen of Spain, considered, as I consider, that they engaged in a service in which the cause of freedom was involved. Will it be said that no cause would justify an Englishman in engaging in the service of a foreign State? There is a cause, Sir, on the subject of which I am known to feel strongly,—Gentlemen are aware that I have frequently addressed the House upon it,—I mean the cause of Poland. Who is there, who would pass censure on a countryman who had engaged in that noble cause? If I had known, Sir, a young English officer, who at the time the Poles were carrying on their glorious struggle for independence, had, impelled by a generous enthusiasm, devoted his life to assist them, so far from blaming, I would have taken him to my bosom. To encourage a spirit of generous adventure in a just cause, has been the policy of this country in the best of times. That great princess, Queen Elizabeth, gave assistance to the suffering Protestants of France and of the Low Countries. She supplied the Huguenots with money; she encouraged the levying of troops in her dominions to assist them; and, among other instances, the historian adduces that of her having permitted Henry Champeron to levy and transport into France a regiment of a hundred gentlemen volunteers, among whom Walter Raleigh, then a young man, began to distinguish himself in that great school of military valour. Elizabeth entered into a treaty and alliance with the States of the Low Countries, who were called the revolted subjects of Philip; and she stipulated to assist them with a body of 5,000 foot, and 1,000 horse, at the charge (let it be observed) of the Flemings. Elizabeth was not afraid of being reproached with permitting her subjects to serve as mercenaries in a foreign country, and in a cause not their own. But was the cause not their own? Was the cause of the oppressed Protestants of Europe at that time not the cause of the people of England, and of every other Protestant State in Europe? Is the cause of the Queen of Spain, and of free institutions in that country, in opposition to the cause of despotism and bigotry, wholly indifferent to the people of England? Will it not justify, at least in their eyes, the conduct of those brave men who have fought and suffered in the cause? I speak of the British Legion and its officers, who embarked in a cause which they approved, and whom no consideration would, I believe, have induced to embark in the cause which they opposed. I have cited, Sir, the example of Elizabeth. In the same way Charles 1st. endeavoured to succour the Palatinate. Gustavus Adolphus, says the historian, made a priva agreement with the King of England, whereby Charles engaged to furnish him with 6,000 men, in the Marquess of Hamilton's name, as if that lord had raised the men at his own charge. The force was raised, and sent to the Palatinate; and the historian adds that the King of Sweden, being in a condition in his turn to assist the King of Bohemia, and not having done so, Charles withdrew his forces, which had done good service during the war. Thus, indirect aid was given by Charles 1st. to the King of Sweden, for the relief of the Palatinate, by means of an auxiliary force raised in the name of one of his subjects. Gustavus Adolphus was the defender of the liberties of Germany, and of the Protestant religion in Europe; and in his service, and in that cause, the gallant youth of Scotland, in particular, embarked and were trained to arms. Almost all the Scotch officers of merit, who afterwards distinguished themselves in the civil war, had served under Gustavus Adolphus; Dundee, when Graham of Claverhouse, had served under the Prince of Orange; and the great Marlborough sought for instruction in his profession under Marshal Turenne. The honour of such persons was never, I believe, impeached on the ground of their having risked their lives, or shed their blood, in a cause not their own. General Evans and his brave companions have served in a cause which they believed, and which I believe, to be a just cause. They have served under the most trying circumstances with a gallantry, constancy, and courage, not to be surpassed; and if, upon one occasion, they have met with a disaster, to whatever cause it may be attributed, is that a reason why the British Legion should be abandoned, and marked with that stigma of disgrace which the motion of the right hon. and gallant Officer, if carried, would inevitably affix upon it? Give the British Legion and its brave commander the opportunity of retrieving what they may have suffered in military reputation by the late disaster. I venture to predict, that this opportunity, if given to them, will not be thrown away. In justice, then, to that body of our brave countrymen—in justice to our ally, the Queen of Spain, in whose service they are engaged, reject the motion of the right hon. and gallant Member, which, if adopted, would place one foot of Don Carlos on the throne of Spain. To the cause of the Queen of Spain the injury would be irretrievable. It would be received throughout Europe as a decisive proof that that Princess and her cause were abandoned by England. What might be the effect of it in France? Might it not be a signal to that government to withdraw, if they should be so inclined, whatever support is still given by them to the cause of the Queen of Spain? I will not enter, Sir, into a consideration of the conduct of the French government towards Spain. They have put their own sense and given their own construction to the Quadruple Treaty, and the spirit of the obligations which it imposed upon them; and, however much it is to be lamented that their views have fallen short of what might have been wished and expected of them, I will not, on that account, join in the bitter censure which has been passed, much less in the vituperative language which has been heaped upon a sovereign,—our ally,—a prince placed under circumstances of difficulty such as no one before him ever had to encounter, and whose personal character, and whose courage in the face of danger, to which no prince of modern times has ever been exposed, ought to have saved him from that contumely with which he has been assailed, I regret to say, by some Members of this House. I trust, Sir, that France and England may still be made to co-operate cordially and effectually in the cause of Spain. The government of France say, that they have not abandoned Spain. In the discussion in the Chamber of Deputies on the address to the King, the ministers of that day were attacked for having abandoned the Queen of Spain. In answer to this charge, M. Guizot, on the part of the ministers, said, that although they had disapproved of the proposed measure of the cabinet of the 22nd of February, for a larger and more extended armed co-operation with Spain, —and although they had not adopted the policy of that cabinet, they had done every thing for Spain that the cabinet of the 11th of October had done. He then quoted a despatch of the Duke de Broglie, President of the cabinet, of the 11th of October, addressed to the Duke de Fria, dated the 26th June, 1835, in which he says, "Every facility that can be desired will be given as well to augment, by way of recruiting, the foreign Legion, as to raise other corps composed of Frenchmen. As to the arming of these corps, the French government understand that it can only take place on the Spanish territory." The minister of public instruction then quoted another despatch of the Duke de Broglie, addressed to M. de Rayneval, French minister at Madrid, dated the 8th of July, 1835, in which he says, "The foreign Legion having, by a convention, been transferred to the service of Spain, the recuiting cannot be continued but for the account of Spain and by Spanish agents." M. Guizot adds, "Whatever has been done by the cabinet of the 11th of October is maintained and continued by the present cabinet." The House will be pleased to observed, that the foreign Legion referred to is now in the service of Spain. It consists of several thousand men, under the command of a brave and distinguished French officer, Colonel Conrad. If I understand aright what I have quoted from the speech of M. Guizot, delivered a few months ago, the foreign Legion may now be recruited in France provided it be done by Spanish agents, and without the aid or intervention of the French authorities. I apprehend, further, that French subjects may now fully engage in the service of the Queen of Spain,—a liberty which this motion seeks to take away from the subjects of the King of England. Let it not be said, that England will do less than France in the cause of our ally,—let it not be said, in the face of Europe and the world, that the Queen of Spain is abandoned by England, and by England alone. You have to decide, this night, upon a question which is one of life or death to our ally, and one in which the honour and character of this country are deeply involved. I trust that the House will reject the present motion, the adoption of which would affix upon England the disgrace of having abandoned, in her utmost need, an ally to whom she was bound by common interest as well as by the faith of the most solemn obligations.

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* Hansard (New Series) vol. viii. p. 1028.

Mr. *Bingham W. Baring* said, the right hon. Gentleman who had just sat down had very dexterously evaded the attack which had been made upon the foreign policy of the present Ministry to which he belonged. The real question now before the House was, whether this country had a right to interfere in the domestic affairs of foreign countries. The treaty of Quadruple Alliance had engaged us to afford certain assistance to the Government of Spain. The question now was, whether we were to stand by the letter of that treaty, or go beyond it, and afford other assistance than was therein provided for. The hon. and learned Member for Bath said, that it was the Tories who first set up the principle of the right of England to interfere in the domestic policy of neighbouring states. He entertained an opinion the reverse of that. Mr. Pitt never agreed to foreign war, except when it became necessary for the sake of British interests; and to fight for them alone. The Duke of Wellington, on the restoration of the King of France, in the glorious days of Paris, as they were called—did he then meddle with the supposed future policy of that monarch? No; he was content in seeing him acknowledged king *de facto*, and so expressed himself in his first note to this country on the subject. Fox, also, had always contended against interfering in foreign civil disputes, as tending only to exasperate the feelings of the conflicting parties. The same sentiment was, he believed, entertained at the present day by a great majority of the people of this country, and the hon. Member for Bath had truly represented their sentiments when he declared, that they were averse from interference. As it appeared to him, the great argument opposed to all these considerations was, that the motion was made by "a set of Tories." Now, as to the injustice and impolicy of the line of conduct pursued by his Majesty's Ministers, he thought they had an acknowledgment of it in the very speech of the right hon. Gentleman who had just sat down; for it was admitted by him that if they were to stop where they were, the result would be to put Don Carlos on the Throne. Much had been said about the Foreign Enlistment Bill, but that was not the real question; the real question was, whether the British Legion ought to be recalled, and whether his Majesty had the power to control a portion of his own subjects. He supposed the Government sent out these subjects to support British interests. If that was the case, the Government ought to have had them under their control; but instead of that the Government had been pleased to transfer the management of the business to a joint-stock company, which had been deluded under various pretences to furnish small pittances to carry out an enterprise which they supposed was taken up by France and England; and as to supporting British interests, they had a specimen in Portugal of the manner in which British interests were protected by our interference with the internal affairs of that country. Instead of making any return for services rendered, the Portuguese Government was throwing every impediment in the way of British interests. It was said, also, that we interfered because we wished to consolidate a union with France; but the policy of France was peaceful, and if we wished to act in concert with that country we ought to follow the same policy, and refrain from interfering in the affairs of other countries. Considering all the circumstances of the case, he should feel it his duty to vote for the motion.

Mr. *Villiers* said, that when he rose before, it was for the purpose of making some observations upon the speech of the hon. Member for Bath, and he had to regret that the hon. Member had thought it right to take the opportunity of attacking the party with whom he generally acted, in the absence of every one of them except himself; and that as soon as he had made the bitter attack he did upon his friends, he should have left the House. He could not help regretting this the more as, if he had stopped, he would have heard who was the first person that had complimented and expressed his satisfaction at what had fallen from him, after he had thought proper, with so much asperity, to attack, as well as to leave, the party with whom he had formerly acted, for he would have learned that the first person who hailed him as a friend was the Member for Winchester—a Gentleman who once sat on the liberal side of the House, and who now sat on the opposite side. Agreeing generally, however, with many of the views of the hon. Member for Bath, he was glad to hear the Member for Winchester quote him as an authority for the opinion of the people of England. The hon. Member said, that the people were against rendering any assistance to the Queen of Spain because the Member for Bath had said so. Now, if the hon. Member for Bath should continue to express liberal opinions in this House, and of the same character as he had done before, he should remind the Member for Winchester that if he differed from him he was differing from the people of England. He did not think that the hon. Member for Bath did altogether represent either in manner or matter the feelings and opinions of the people of England; but as he purported to do so, and his views were somewhat peculiar, he was sorry that he had not, on the many occasions which had been afforded him on the discussion of this question, stated them at any time but when it was most prejudicial to his party, and most favourable to his opponents; and, beyond the praise which he received from the opposite side, he could not conceive who would profit by this tardy announcement of his views on the Spanish question. The moment for discussing again this question had been selected simply for party purposes, and there was no fresh ground stated that at all justified the postponement of the public business for this debate; if there had been such ground it ought to have been stated, as it was only this time last week that he had heard the speech of the right hon. Baronet, the Member for Tamworth, which he concluded with a bitter sarcasm upon the present Government, that none of their measures had yet passed this House, and that whatever they originated they failed to complete; and he accompanied this reproof with an intimation that if they found that they were unable to carry through any measure, and were thereby induced to resign, the country would find energy sufficient to compensate the loss, and that another Ministry could be found. Now, when he considered with whom this measure originated, and by whose lengthy speeches the debate had been protracted, he could not but think that there was some object in thus wasting the public time, in order that they might, after another period, come down to this House and say that nothing was done, and thus provoke that energy that they talked of, which was to substitute themselves for the present Ministry. There was nothing but a party excuse for bringing forward this question now, and he admitted that the occasion was more favourable with that view than it had been in former times, because, when the same question had been submitted to this House before, either success had attended our countrymen in their gallant enterprise, or they had yet fortitude for their duty in spite of the ill treatment and disappointment which they had met with in Spain, and in spite of that unworthy, unceasing, and disheartening abuse which had been heaped upon them in this House and out of this House from the moment that they had left those shores till the present time. Victims to this ill-usage, they were now declining; and yielding to the impression of past circumstances and looking forward with no hope for the future, they had lost all heart for service. This, then, was the moment for a favourable attack, because no time was so good to strike your enemy as when he was down: it was then that a weak antagonist strikes his foe with most effect. It was a good party topic he did not deny, because it was easy to induce vulgar minds to conclude against a general policy from the peculiar event. It was a mode of gratifying national pride if it was wounded to sacrifice some party or other as the cause; and such motions as these afforded a pretext for the malcontents of any party to desert their friends without danger to their interests: and if any there were who took views larger than those which belonged to party, and hoped by the result of the division to favour Carlist policy throughout the world, why, the opportunity was a happy one; for by nothing could that party be more favoured than by such a motion. If the minority was even large in its favour, there would be indeed joy at Durango; the rack and wheel would be put in repair, and the grand inquests of Don Carlos, or Charles the Fifth, as the Member for Dover delighted to call him, would, doubtless, commence its work. But divested of these circumstances what was there to distinguish this motion from the many on this subject that they had heard, except that it is the gallant General, and not the Member for Oxford, or in his temporary absence the Member for Hertford, who brings it forward? There was no doubt that the question before them concerned the policy of the Quadruple Treaty, and the mode in which it had been executed. He thought, that the policy of the treaty was the great matter in question, which it might be difficult to defend; but if justified, all other questions connected with this motion were trifling. The charge of deviating from the principle of non-intervention all turned upon this. This charge came from two quarters. It came from the opposite benches, and it also came from a quarter which entitled it to great respect, namely, from many thinking men, who thought that it was unwise to interfere in the internal affairs of another people; that the treaty was a deviation from that principle, and that they, therefore, were induced to look with suspicion upon anything which exceeded the precise terms of the engagement of that treaty. Now, he distinguished the quarters from which this attack came, because he could not suppose that Gentlemen on the opposite side were converts to the principle of non-intervention, seeing that they were the party who for twenty years and upwards were interfering with the internal affairs of France—who made this country pay for subsidizing one-half of Europe also to interfere—and who were parties to an alliance which was based upon the principle of interfering with the affairs of every country in Europe. But with respect to this principle of non-intervention, which had been laid down so exclusively by the hon. Member for Bath, to the intent that we were under no circumstances to deviate from it—that we were, according to him, to shut ourselves up in our shell and care nothing for the rest of mankind—for his part, he recognised no principle of this exclusive character, nor any principle which precluded the consideration of circumstances which might justify a deviation from it. The great object of the principle was our own interest, and he contended that might upon particular occasions be better promoted by departing from the principle than by observing it. Our tenacity of the principle was chiefly founded upon our desire to avoid the expense and disaster of war. To justify a departure from the principle, it was necessary to show, that the chances of preserving peace and promoting our real interest or some other advantages were to be expected. He contended that this rule of policy was recognised in many cases, and many might be mentioned in which it would be so. For instance, he might refer to our interference to prevent the traffic of slaves by other countries. This was an intervention in the internal affairs of another country, but which we had combined with other countries to prevent. He might refer to the complaint, he believed made the other night, that there had not been interference enough against the treaty of Adrianople when it was made, and, again, against the Foreign Secretary that he had not prevented the treaty of Unkiar Skelessi; and, again, he believed by the hon. Member for Bath himself, that we did not go to war with Russia on account of the question in dispute between that country and a trader of our own; and why? Not because of the general or existing evils arising out of these circumstances, but because of the evils apprehended, in order, as the hon. Member for Bath stated, by showing ourselves ready to fight, to prevent war. But that recognised the principle that he was contending for—that it was sometimes wise to risk something to avert a greater evil. He could also consider cases that might arise in which it was politic, upon a principle of self-defence, to interfere in the affairs of other countries. For instance, suppose that Russia was more powerful than at present, and that she could do by force what she attempts to do by duplicity and intrigue, and that she could overthrow, as she tries to undermine, every liberal government in the world—suppose it was the misfortune of the world that there should be confusion in the United States of America—supposing that the southern states were at war with the northern, and that to preserve slavery the assistance of Russia, or any despotic power, had been invoked to her aid—and supposing that there was danger apprehended by the northern states for their freedom, and they sought our alliance to assist and defend them from this evil, he asked, if they might not upon a selfish principle think it wise to co-operate with a constitutional friend in defence of institutions in the existence of which the happiness of mankind was implicated? He only mentioned these cases to reconcile the minds of hon. Members to the possibility of circumstances arising under which it might be wise and right to interfere in the affairs of another country; and he did this with the view of bringing them to the case before the House, as to whether any circumstances had arisen when the Quadruple Treaty was entered into, that justified it. Now, if men intended to judge this treaty justly, they must examine those circumstances—they must take themselves back to that period, and, in the first place, consider the very critical state in which every nation in Europe had been placed since the last revolution in France; how much more decidedly had that struggle of opinion been manifested as to forms of government which now agitate the world; and this question was raised in the Peninsula upon the death of the late King of Spain. The people of Spain, then under the influence of the example of France, elected for constitutional Government; they acknowledged the Sovereign who accepted the Throne on those terms. She became the Sovereign *de facto;* and by all the constituted authorities of the country she was considered so *de jure.* The absolutist party in that country, necessarily large, attempted insurrection —a pretender to the Throne became their rallying point—it was important to Spain that the constitutional Monarch should be recognised by foreign powers There was no reason for those powers not conforming to the usage of nations in recognising the Sovereign then on the Throne. It was impossible to withhold their recognition without interfering in the civil dispute that might then be said to exist. What was then the conduct of the northern powers? Did they conform to the recognised principles of amicable relation between Sovereigns, or did they interfere in the dispute of the country? Most decidedly the latter; for they refused to recognise the Queen of Spain, and to this hour they had never sent any ambassadors to her court. Here, then, was a decided step taken by the northern powers, favouring as they did the views and party attached to the pretender. They thus gave great encouragement to the insurrection, and great hope to the Carlists. England and France were now called upon to act. Were they to ally themselves with constitutional power or with Carlism? How much more abuse would have been heaped upon the Government than has been now if they had decided otherwise than they have! But what was the state of the Peninsula at that time? There were two pretenders to the Thrones of Spain and Portugal, and two constitutional Sovereigns recognised by the people. We were bound already in alliance, offensive and defensive, with Portugal. The pretenders relied upon each other. If Don Carlos succeeded in Spain, and then assisted Don Miguel in Portugal against the Queen, we might have been called upon by our treaty to go to war. We had also to apprehend that France might interfere singly in the affairs of Spain. It was also an object to us to preserve our friendly connexion with France. France, as well as Belgium, were then threatened by the northen powers, who were regarding with doubt and with threatening aspect the progress of constitutional Government in the west of Europe. Under all these circumstances, then, it was with the view to prevent war—with the view to have amicable instead of hostile neighbours, and from sympathy with constitutional Government—that it was considered expedient at the time to form the Quadruple Alliance, hoping thereby, without even being called upon to force our intentions by war, to secure peace and good Government in the Peninsula. Was there anything irrational in the expectation? What was the first effect? That which was intended. The insurrection was almost at an end, and the pretenders in both countries were subdued. Why, then, was Spain in confusion now? Why simply, because Don Carlos was alive and free, and he was so because we chose to stand between justice and regard for a bad man's life. We saved his life when it was at the mercy of the Queen's troops—we brought him to this country—we suffered him to escape from this country—France suffered him to pass through her country, and he thus finds himself again in the revolted provinces a rallying point for all the disaffected peasantry. He (Mr. Villiers) would ask, how it would have been consistent with honour, honesty, or any feeling worthy of our country, if we had refused, when called upon at that time, to take effective steps to enforce our engagement? We had agreed by the treaty to secure the Queen of Spain upon her Throne, but had been the means of adding to its danger. How could we refuse to fulfil our obligation to render it secure? This was the time when the additional articles were signed, and at that time, bound as we were to take means of securing her Throne, we had only to consider the mode that would be most effective for the purpose. The means that were then agreed upon might either have been a military or a naval force. It was only the policy of the one or the other that he conceived was in question at that time. It was thought most politic to confine the assistance to a naval co-operation, and upon that ground it was granted, and this was an important element in the consideration, whether we were justified in sending out a few more or a few less of marines attached to our ships, and whether they did act a few yards more or less from the shore; for if the treaty was justified, and if the object of the treaty had not any reference to the means of enforcing it, the questions that Gentlemen opposite raised were useless, and not worth discussing. And with respect to the object of the gallant Gentleman's motion, that the Order in Council for allowing British subjects to engage in the service of the Queen of Spain should be rescinded, could he suppose, in the first place, that he could influence Members who were opposed upon principle to the

Act itself? And if we were bound to the Queen of Spain by treaty to secure her on her Throne, and that her Government considered that we could render her more effectual assistance by allowing her to raise a corps in this country, and thereby avoid offending the pride of the Spanish people by introducing a foreign army, what pretext was there on principle as regarded the Ministerial side of the House, or in honour, if they were bound by the treaty, for refusing to the Queen of Spain the advantage of the assistance of British subjects in her service? Let hon. Members remember, on the other side that the Foreign Enlistment Act was passed because it was alleged, that we were bound in good faith to our ally, the King of Spain, to prevent our countrymen entering the service of his revolted provinces, and that the law did not allow him to enlist our subjects in his service. Now, then, we were bound by good faith to our ally, the Queen of Spain, to allow British subjects to enlist in her service. The ground of fidelity in alliance was the same in both cases, and yet, because it served the present purpose, the party opposite reject this ground, and argue in favour of restricting our countrymen from engaging in foreign service at all, as being derogatory to the honour of the country. He observed the impatience of the hon. Member for Yorkshire, who doubtless was going to answer him. He would not trespass further upon the attention of the House. His object had been to show, that there were grounds on which a justification of the Quadruple Treaty might be rested; that that treaty having a definite object, the means by which it was to be executed need not have been limited to a naval force; and that under those circumstances it was idle to quibble about whether it had been exceeded or not in some trifling degree, and it was unjust to judge either of the policy of the treaty or the mode of its execution by the present result. Failure as well as success must always be contemplated in every engagement, but the policy of the engagement would not be fairly or fully judged of by either. If the treaty had failed, and the failure had been owing either to the bad faith of France, to the incapacity of the Spanish Government, or the ill usage of the Legion in Spain, he should say that there was ground for the Government of this country to review the relations in which we at present stand towards the different parties to the treaty, for the purpose, if possible, of accomplishing the original object with more effect; but this, he considered, was widely different from supporting the present motion, which he regarded as originating in party views, with the hope of injuring the cause of reform in this country, of disheartening the constitutional party in Spain, and spreading dismay among Liberals wherever they might be found.

Sir *William Follett* said: Sir, it was not my intention to have at all troubled the House upon this occasion, and I am induced to do so more from what has fallen from my right hon. and learned Friend opposite (Mr. C. Fergusson) in the course of this debate, than from any desire to take a part in the discussion; but, however, Sir, I will venture shortly to trouble the House with the reasons which induce me to give my vote for the motion of my right hon. and gallant Friend (Sir H. Hardinge.) The hon. and learned Member who has just sat down, has repeated the assertion which has been made by every hon. Member who has spoken on the other side of the House, that this question has been made a mere party question. I know how easy it is to make that assertion, and I was quite satisfied that it would be cheered by the hon. Members opposite. It may be very politic to make that assertion with a view to influence the fate of a division; but I am perfectly satisfied, that if the hon. and learned Member for Wolverhampton (Mr. Villiers) had taken the trouble to converse with persons out of this House, he would have discovered that, however we may be split into parties, and however we may differ on questions of domestic policy, and of changes in the institutions of the country, it is the strong and general opinion of the people of this country, that our late policy has wasted the blood and treasure of England—that the quarrel is one in which the people of England have no concern, and relates to objects with which the national interests and honour are in no way connected. I have listened most attentively to the course of this debate. I felt a strong interest in the question, long before my right hon. and gallant Friend brought it forward. I have been most anxious to hear the opinions of some Members of his Majesty's Government on this subject. Some Members connected with his Majesty's Government have undoubtedly spoken, but we have now arrived at a late hour in this the third evening which this debate has lasted, and no Member of his Majesty's Cabinet has yet thought it right to favour the House with any observations. But, Sir, upon what grounds has this question been put by those hon. Members connected with his Majesty's Government who have addressed the House? I will not say that I have heard no argument to prove that the interests and the honour of England are connected with the present contest in Spain, but I will say, that I have heard no statement, no assertion, that either the interests or honour of England demand the presence of the Legion, and of the marines in that country. No one has said, that any insult has been offered to the honour of our flag: which should make us forget the sacrifices, the miseries, and the misfortunes of war, and induce us to embark in a struggle, in the result of which our interests are not involved. I have heard no such statement; and yet what do I find to be the fact? A large body of our fellow-subjects has been sent out to Spain; no less than 10,000 of our fellow-countrymen have left England in arms to support the cause of the Queen, of whom a large proportion has already perished—some in battle with persons who were not the enemies of this country; others, in consequence of the hardships and diseases which have been brought about by the position in which they have been placed. And shall I be told, Sir, by the hon. Members opposite, that when we find this to be the state of things, that when we find 10,000 of our fellow-subjects have been exposed to those miseries and sufferings—shall I be told, Sir, that to call the attention of Parliament to these circumstances is a mere party proceeding, and that the Representatives of this country are not bound to raise their voices against the continuance of such a state of things? Ought we not to ask ourselves whether this state of things is wise, or politic, or just, in order that we may know whether we should sanction its continuance or not; and if we find that it is neither wise, nor politic, nor just, ought we not to raise our voices to prevent his Majesty's Ministers from persevering in their present course? I cannot conceive that this can be treated as a party question. I do not think that the people of England look at it as a party question. I think the matter is one which touches the interests and the honour of the country too nearly; and, with the permission of the House, I will attempt to show how untenable are the grounds of defence relied on by his Majesty's Government. Now, what is the nature of that defence? The Ministers do not tell us, that the interests and the honour of the country are concerned in the struggle now going on in Spain, but the argument put forward is this—I do not know whether any other will be relied on, but hitherto this is the only argument on which the Government has rested its defence—"It is too late to be discussing now the policy or impolicy of the quadruple treaty, or the policy or impolicy of the additional articles of the treaty; the Government entered into that treaty, the House of Commons has not departed from it, and we are bound by all the obligations of national faith and honour, to carry its stipulations strictly into execution." That is the argument put forward on the opposite side of the House. It is impossible not to admit the strength of such an argument, provided it be valid. I will say more, that I should be the last man in the House to assert, that we ought not to abide strictly, and with good faith, by the terms of any treaty into which this country has entered; but I do not think that hon. Members opposite have acted fairly in taxing Gentlemen on this side of the House with a design to evade the stipulations of that treaty. If the Government can prove, that in allowing our countrymen to be employed in the service of the Queen of Spain, it has acted in accordance with the stipulations of the quadruple treaty, or the additional articles, I will admit, that the Ministers have made out their case. But till they prove that, they have no right to reproach Members on this side of the House with a disregard of the spirit of the treaty. The stipulations of that treaty were strictly performed by my right hon. Friend, the Member for Tamworth, when he was at the head of the Government, and I was surprised that the hon. and learned Member for Tipperary should have used by way of taunt the fact, that when the Duke of Wellington was in the Foreign-office, he sent 50,000 muskets and bayonets to be used against the Basques, because one of the articles in terms expressly declared, that the King of England is bound to send the Queen arms and munitions of war. That is the express language of one of the articles, and the Duke of Wellington, in the performance of its stipulations, sent arms and munitions of war to the Queen of Spain. But it is a very different question, whether the terms of the treaty bound us to furnish the Queen of Spain with these supplies, and whether we are also bound by its provisions to send a levy of 10,000 British subjects, and to send into Spain also a battalion of marines, and a party of the Royal Artillery. This is a very different proposition, and the question is, whether that interpretation is in accordance with the meaning of the treaty, or not? Last night a discussion took place between my noble Friend, the Member for Hertford, and my hon. and learned Friend, the Member for the Tower Hamlets, respecting the construction of the treaty. I am not now prepared to say, whether the construction put upon it by my noble Friend was correct or not; that, however, will not decide the question, and I am even willing to admit, that my hon. and learned Friend, the Member for the Tower Hamlets, may, to a considerable extent, be right in his construction of it. The true construction of the additional articles may be gathered from the facts. It is evident, after Don Carlos had left Portugal, and arrived in Spain, the Queen's government were anxious to prevent his receiving from abroad any supplies to enable him to carry on the war in the northern provinces, and especially to prevent the introduction of arms and ammunition from France. For this purpose, in the first article, the King of the French engages to employ an army to prevent the introduction of these supplies. But the sea would still be left open, and arms and ammunition might be landed on the northern coast of Spain. What, then, is the object of the second additional article? Not to furnish a fleet to attack a navy of Don Carlos, but to use a naval force so as to prevent supplies reaching him by sea. The noble Lord, the Secretary for Foreign Affairs, will hardly contend that this is not one of the main objects of the treaty. I know the hon. Member for the Tower Hamlets says, this cannot be the right construction of the treaty, and he asks if there is no such word in the English vocabulary as blockade. It is true, that there is no direct stipulation that we should blockade the ports of Spain. And how could there be? The ports and the coast of Spain were in the possession of the Queen our ally, and a stipulation to establish a blockade of such a coast would have been idle. I think, indeed, as we were not at war that no such blockade could have legally been established. Even if the coast had been in the possession of the insurgents, but I am on that account convinced, and I call on the noble Lord to contradict me if I am wrong, that one, at least, of the main objects of the second additional article originally contemplated was, that the ships of England should be employed to prevent the landing on the northern coast of Spain of arms and supplies for the use of Don Carlos. I will now revert to the argument of the hon. and learned Member for Kirkcudbright, with respect to the Quadruple Treaty itself. The hon. and learned Gentleman contended, that the effect of the treaty, without the additional articles, was, to bind this country to co-operate with the Queen of Spain in actual warfare, and to afford assistance. [Mr. *C. Fergusson* No; what I said was, that that was the effect of the two.] Well, the hon. and learned Gentleman had said, that the effect of the two was to bind the King of England to interfere, to take part, in fact, in the war in Spain, and that therefore, the Government had done no more than it was bound to do. The right hon. and learned Gentleman, however, did not advert to the time at which the treaty was made. It was agreed to when Don Miguel had been driven from Lisbon to Santarem, where Don Carlos had joined him. At that time the discontented Spaniards were flocking to Don Carlos, and whilst these two princes were there, a Spanish army under Rodil, crossed the Spanish frontier for the avowed purpose of putting down any attempt upon public tranquillity in Spain. Those were the existing circumstances at the time, when this treaty was entered into. Now, what was its object? The first and foremost object of the treaty, was, to secure and maintain the independence of Portugal, and our great aim was to prevent a Spanish army remaining in that country any longer than was necessary for the accomplishment of Spanish purposes. With this view the treaty was made, and the very first articles of the treaty declared that it was made for the purpose of compelling the Infante Don Carlos, and the Infante Don Miguel, to withdraw from the Portuguese territories, and the second article went on to say—"Her Majesty, the Queen Regent, engages that her troops shall withdraw ftom the Portuguese territory as soon as the above-mentioned object of the expulsion of the Infants shall have been accomplished, and when the presence of those troops in Portugal shall no longer be required by his Imperial Majesty, the Duke Regent." Then the third article ran as follows:—"His Majesty, the King of the United Kingdom of Great Britain and Ireland, engages to co-operate by the employment of a naval force," &c.; and by the 4th article, the King of the French undertook to do nothing without the concurrence of the other three Powers. These objects are clear and defined. There is no uncertainty of expression in this part of the treaty; we are not at liberty to put a construction on the treaty to suit ourselves. The object was declared to be the expulsion of Don Carlos and Don Miguel from the Portuguese dominions. Now let us look at the additional articles. There are only two in effect. The first runs thus:—"His Majesty, the King of the French, engages to take such measures in those parts of his dominions which adjoin to Spain, as shall be best calculated to prevent any succours of men, arms, or warlike stores, from being sent from the French territory to the insurgents in Spain." By the second article, "His Majesty, the King of the United Kingdom of Great Britain and Ireland, engages to furnish her Catholic Majesty, such supplies of arms and warlike stores as her Majesty may require, and further to assist her Majesty, if necessary, with a naval force." I ask the noble Lord, the Secretary for Foreign Affairs, what is the construction which he puts upon the latter article itself? The treaty was made for the expulsion of Don Miguel and Don Carlos from Portugal, and that object was accomplished; and will the noble Lord go so far as to say, that by the second of the additional articles, the King of England is to continue to assist the Queen of Spain as long as the Queen may be pleased to require his assistance? Does the noble Lord mean to say, that we are to embark in a war of succession? Does the noble Lord mean to contend that this treaty will continue to be binding so long as Don Carlos shall have supporters, or shall be found in Spain? If that be the meaning which the noble Lord assigns to the treaty, if that be its true interpretation, does the noble Lord believe that the House of Commons, knowing such to be its meaning, would have sanctioned the treaty? Does the noble Lord affirm that the people of this country are aware that they have been bound to give such a support to the Queen of Spain, and that they will be obliged to continue that assistance until they have put down Don Carlos and all his partisans? Would it not, I ask, have led to an European war, if it had been known that we had entered into such stipulations? Suppose you fail in the attempt—suppose, after wasting the blood and treasure of England in a prolonged and tedious contest, that Don Carlos gets seated on the throne at Madrid, is it politic to make, after all, a bitter enemy of the sovereign of a country like Spain? And suppose you succeed, let me ask what sort of a throne the Queen of Spain is likely to have, if she owes that throne to the bayonets of foreigners? We know the jealousy with which foreigners are regarded by the Spanish people; the effects of your success will be almost as bad as if you had failed. I am quite satisfied, if it had never been asserted that the treaty bore this construction, that the House would not have consented to it. Is that, I ask you, the construction which you put upon the treaty? The object of the Quadruple Treaty itself, were it politic or not, was at least a clear and a defined object, the expulsion of the Infante from Portugal; and after the expulsion, we were not bound by the terms of the treaty, but the additional articles are for objects undefined and uncertain, and I want to know what interpretation you give to them, and for how long and to what extent England is to be bound by them. But now, with respect to the execution of the treaty, what is it you have done? The object of the motion which my right hon. and gallant Friend has brought forward, is to prevent the continuance in Spain of the British Auxiliary Legion, of the marine force, and of the corps of artillery, and sappers and miners. Is their continuance in that country in accordance with the treaty? Until I heard my right hon. and learned Friend, I was never aware that the employment of 10,000 Englishmen in Spain, was in compliance with the terms of the treaty. [Mr. *C. Fergusson* had not so contended.] I understood him to have so contended, but I beg his pardon if I misunderstood him. It is probable that what he meant to say was, that this proceeding is so intimately connected with the success of the Queen's cause, that its necessity may be collected from the articles of the quadruple treaty, and therefore that that circumstance will afford a justification for that proceeding. In the first place, let me beg the attention of the House for a moment to the question of the employment of the marines, because that is contended to be in strict accordance with the provisions of the treaty. Both my hon. and learned Friend, the Member for the Tower Hamlets, and the hon. Secretary to the Admiralty, asserted such to be the fact; they said, that the Government of this country had done nothing more than assist the Queen of Spain by a naval co-operation. Now let us see whether this is a fair construction of the treaty or not. You do not send out ships with their fair complement of marines, but you send out a battalion of marines under the command of a field officer of marines, and you attach that battalion to a Spanish army, although you say, that that battalion does not receive orders from the general in command of the Spanish military force. Is that naval co-operation? Now let us see for a moment how the hon. Secretary to the Admiralty proves his case. He says, that this was a naval operation for this reason, that in the last war there were instances without end of sailors marching across deserts and taking forts and cities, and of marines being landed from the fleet, and taking a part in land operations. Why, nobody doubted the fact, and I think I could have added other instances. I think I could have shown him more than one example in which the land artillery was worked by the sailors of the fleet, and if I am not much mistaken there was a battalion of marines attached to the army which the Duke of Wellington commanded in the Peninsula. Surely the hon. Gentleman does not mean to say, that what was done when we were waging a war of life and death against the power of France can be quoted as a precedent in this case—that when these officers and sailors were thus employed they were acting as a naval force. They did what became them as British officers and subjects; they were seeking the enemies of their country wherever they were to be found; but they did not fight in their character as naval officers, nor as a part of a naval force. And if sailors and marines have taken part in land battles, and in the operations of armies during the late war, the hon. Secretary of the Admiralty might also have recollected that soldiers have fought at sea. I think I have heard that the first man that boarded the Spanish Admiral's ship in the action off Cape St. Vincent, was a private soldier of a regiment of the line then on board the English fleet. But is it because English seamen or soldiers, have been ready to fight whenever they had an opportunity of distinguishing themselves, that it is a fair construction, when you are entering into a treaty with regard to the insurgent subjects of the Queen of Spain, to apply the same rules to this treaty, and insist that naval co-operation means that the sailors and marines are to be landed and fight on shore? Is it a fair construction of that treaty to say, that because a battalion of marines served under the command of the Duke of Wellington within the lines of Torres Vedras, a battalion of marines is to be sent to serve in Spain? It is not a naval co-operation but of a different character, and they act as part of a land force. Nothing can make the case plainer than this fact. There are, I believe, but two brigs of war on the coast, whose complement of marines does not amount altogether to more than forty or fifty men, and yet there were 500 British marines engaged in the late affair at Hernani. The instances therefore quoted by the Secretary of the Admiralty were in no respect applicable;—the marines that marched from Acre were merely, the complement of the ships of war on the coast, and so also were those that took part in the other affairs alluded to by him—but the force employed in Spain is altogether different, and where would the distinction have been if instead of marines you had sent a regiment of foot or a battalion of guards? Where, I ask, was the distinction, for the marines were not attached to the vessels, but went for the purpose of acting against the forces of Don Carlos on land? Whatever construction may be put upon the meaning of naval co-operation, the employment of this battalion of marines and of the corps of royal artillery and sappers and miners in conjunction with the army of the Queen of Spain, cannot be brought within it.

This cannot be defended on the ground that we are bound to assist Spain with a naval force; the Government must defend it on some other ground, such as the hon. and learned Member for Wolverhampton had put forward—namely that we are bound to interfere in this civil contest, but if we do interfere at all let us do it in a manly, open manner becoming the dignity of a great nation. And let me ask here what was the meaning of my hon. and learned Friend the Member for the Tower Hamlets, when he said last night, that if his Majesty's Ministers had made the proper arrangements with the Spanish government for the due supply of the British Legion with provisions and necessaries, he should have been sorry to have had to defend their proceedings. Did he mean that they might encourage and sanction the employment of that force in Spain—but that they were not openly to take upon themselves the responsibility of this interference in the civil warfare of that country. My right hon. and gallant Friend, when he introduced the subject, pointed out the miserable state of destitution in which the Legion was left; they had no hospitals, no medicines, no clothes, no provisions. Exposed to these various privations, they died away by hundreds and hundreds at Vittoria, to the amount of twice the number which perished in the splendid victory gained on the same spot. If the Government had acted as became them they would not have sent an army of Englishmen abroad, without taking care that they were properly fed and clothed. Why had they not done so, because they had not ventured to act fairly and openly. They had sent troops to Spain, and they had not taken upon themselves the responsibility of that proceeding. If the Government have done right in sending the Legion to Spain, my hon. and learned Friend could have no difficulty in defending proceedings which would have secured the proper clothing, feeding, and maintenance of that force. I will next advert to the argument which was raised upon the Foreign Enlistment Bill. My right hon. and learned Friend (Mr. C. Fergusson), in speaking of that Bill stated, that previous to its introduction by the old law of the country, any subject would have had a full and complete right to enter into the service of any foreign state. Now, if that was the statement of my right. hon. and learned Friend, I differ from him. By the constitutional law of this country, as my hon. and learned Friend, the Member for the Tower Hamlets, correctly stated it, the King of England could at any time prevent his subjects from entering into the service of any foreign power. Indeed, hon. Members opposite must see that it would be quite impossible to maintain any international system of policy, unless his Majesty had the power to prevent foreign states from levying armies within his dominions, and therefore the Foreign Enlistment Bill had not extended the King's prerogative in this respect. It enabled it in some respects to be more effectually put in force—but there were, as is well known, statutes previous to the Foreign Enlistment Bill directed to the same object and more penal in some of their provisions. Whatever, therefore, was the immediate cause of the introduction of that Bill. I cannot see that it can in any way affect the question now before us, except, thus far, that the suspension of its provisions is the act of the King's Government, and that it is under their express sanction and by their express authority that a British force is sent to take a part in this contest. The Government has issued an order in council which sent out 10,000 men to Spain. What provision in the treaty was there that authorised the Government to send these men to Spain? The right hon. Member for Kirkcudbright said, that he did not believe that there was any. Does the noble Lord (Palmerston) think he can point out any? I have no doubt, that the soldiers of the Auxiliary Legion, are as brave as men coming from the three countries to which they belong ought to be; and I believe, that they would have formed good soldiers, if they had been properly treated by the Government to whose assistance they went. But I want to know, what was the policy of sending 10,000 English soldiers to Spain to be engaged in a contest the most brutal and demoralising that has ever disgraced the civilised world? I want to know, and the country wants to know, what was the policy of sending out such a force of Englishmen to Spain without making provision for their support and maintenance —I want to know what was the policy of sending them out covertly, when, if the British Government was justified in interfering at all, it ought to have interfered openly in the affairs of Spain? I wish the noble Lord would recollect what has been stated by a French general, who had great experience in affairs of this kind. "If you interfere at all," said he, "interfere openly; if you interfere openly, you must send out an army to act under its national colours; and, even then, you must not send out an army, unless every supply and every comfort which it may require is stipulated for beforehand." That language was used by a distinguished French general; but the noble Lord had forgotten, or if he had not forgotten had neglected, to take every one of the precautions which the French officer had recommended. With respect to the policy of this interference, I must remind the noble Lord of what was stated by an individual whom I do not expect to hear accused of being too friendly to despotism. I wish that the policy which has been proclaimed by the Government of the United States as the rule of its political action had been followed by the Government of this country. The President said, in his last message to the Congress of the United States?—"We endeavour to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them in their actual state as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valour of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and, in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights, without punishment or redress." Upon this authority, I say, we ought not to interfere at all in the disputes, internal or foreign, of other countries; but, if we do interfere, we ought to interfere openly and frankly. There is one topic more to which I must allude before I sit down. We, on our side of the House, have been met again and again with this taunt—"Don Carlos is the author of the Durango decree. He is an assassin; and will you vote in favour of a motion which will place the crown of Spain upon the head of an assassin?" I am surprised to hear an argument of that kind come from the Ministerial side of the House, because, if the present government of Spain—which is not the government that existed when the Quadruple Treaty was entered into, but a government of recent origin, taking its rise from a military insurrection; if the present Government, be so popular as hon. Gentlemen represented it to be, how can the carrying of this motion, or the withdrawing of the supplies sent from this country, produce the effect of placing Don Carlos on the throne of Spain? If the government of the Queen of Spain be so popular as we are told it is by hon. Gentlemen opposite, there is surely still enough of courage and honour among her partisans to prevent its overthrow; and when we are told to recollect that William 3rd came into this country with a foreign army, surely it was not meant to intimate that 5,000 or 6,000 Dutchmen had had any effect in overthrowing the tyranny of the Stuarts. The Revolution of 1688 was brought about by the people of England; and, if the people of Spain be either desirous or worthy of constitutional liberty, it is the people of Spain who must earn it for themselves. But when we, on this side, are taunted with this conduct of Don Carlos, I must say that no man feels greater abhorrence than I do at the cruelties which have been authorised by that Prince. I do not stand here either as the apologist or the vindicator of Don Carlos, but though I take no interest and feel no sympathy in his success, I take as little interest and feel as little sympathy in the success of his antagonists. I can take no interest, I can feel no sympathy, in a Government which could continue Mina in his command, after he had been guilty of conduct far more atrocious even than the promulgation of the Durango decree. I take no interest, I feel no sympathy, in the party which instigated, or, at any rate, was the apologist of the massacres at Barcelona. I can take no interest, I can feel no sympathy, in a contest between such parties, but I have an interest, and so too have the people of England, in preventing the further effusion of the blood of our countrymen. I have an interest in withdrawing a large body of Englishmen from the brutal and demoralising contest in which they are at present engaged; and every man who hears me, has an interest in providing that the land which was historically connected with us by the most proud and glorious recollections shall no longer be the scene of a national misfortune, and the disgrace and dishonour of the English name.

Viscount *Palmerston* spoke as follows:* The House will suppose that I was only performing what I conceived to be my duty, and showing that respect which is becoming from me to this House, if I have delayed to rise till this period of the debate; because, having the honour to hold the office peculiarly connected with the subject of the present discussion, I felt it right to wait to hear the arguments by which the motion would be supported, before I presented myself to the attention of the House. But even now—even after the speech of the hon. and learned Member for Exeter (Sir W. Follett), who, having been moved by a sudden thought in the course of the evening, has most opportunely, and not without necessity, rushed to the rescue — even after the speech, able and learned as it was, I should be perfectly ready to go to the vote upon the statements and arguments of those who have preceded me on this side. I should, indeed, be content to let the judgment of this House, of this country, and of Europe, rest upon the powerful arguments of my hon. and right hon. Friends, as compared with what I must be allowed to call, without intending any offence, the lamentable failure of the hon. Gentlemen who sit opposite. And since the ability of the hon. and learned Gentleman who has just addressed the House, has been insufficient to make an impression upon the powerful speech of my hon. and learned Friend, the Member for the Tower Hamlets (Dr. Lushington), I cannot anticipate that any aid that may yet be afforded by his unlearned Friends near him will be more successful. I think, then, that I owe no apology to any one, for not having at an earlier moment addressed myself to the subject of debate.

I must first of all beg to say, I regret the line of argument which the hon. and gallant Officer (Sir H. Hardinge) who brought this motion forward, was induced to adopt; and which led him to go into so many details with respect to the Legion. I know that the gallant Officer, whatever the strength of his political opinions may be, is an honourable and generous man. I regret, therefore, that the line of argument to which, for want of any better, he was driven to have recourse, made it necessary for him to string together a number of details which must have the effect of producing painful impressions on the minds of the persons concerned. The chief grounds upon which the right hon. and gallant Officer rested his motion, were the sufferings of the Legion in Spain, in consequence of the default of the Spanish government to provide them with those resources which were necessary for their comfort and well-being. But I must do the gallant Officer the justice to say, that there was nothing in his speech that reflected in the slightest degree upon the character of General Evans. The right hon. and gallant Officer pointedly and distinctly did justice to the bravery of General Evans in the field, and to his anxiety for the welfare of his men. The generous and disinterested nature of the motives which impelled General Evans to embark in the enterprise he has undertaken, has been fully explained by my hon. Friend, the Member for Tipperary (Mr. Otway Cave), who spoke with so much ability in the early part of this evening; and I can myself corroborate his statements, because I have had communications with General Evans, both before he accepted the command, and since he has held it, which enable me to speak to this point, and to bear witness to the nobleness of mind that prompted him to undertake a task, in which he has done himself so much credit. It was no mercenary motive that impelled him—it was no mean desire of obtaining any personal advantage, beyond that which arises from the performance of an honourable duty. General Evans thought, that by taking the command of the Legion in Spain, he should be promoting the interests of his country, the policy of its government, and those great principles which he himself had always advocated. I say, therefore, that the conduct of General Evans has done him honour, and has protected him from imputation from any person whatever, whose good opinion a high-minded man could value.

It is not fitting for me to discuss with the hon. and gallant Officer, questions of a military kind; but I must submit to his higher judgment in these matters, whether the position in which General Evans was placed, has not been one of peculiar difficulty; and whether even he must not acknowledge, that it has seldom happened that an officer has acquitted himself so well under such trying circumstances? For what has been General Evans's situation? He was landed in command of 8,000 or 9,000 men, upon a foreign coast, and within musket-shot of the enemy. Few of his men had ever seen each other before; they were not organized, they had to go through the whole process of being converted into regular and disciplined troops, and that, too, upon the very spot where their active and immediate services were required. Therefore, when Gentlemen compare the Legion in its earlier career, with the regular army in the King's service, I must call upon them to recollect the difference between the two. The one consisted of troops half-organized and half-disciplined, while the other takes into the field all the qualities that result from a long course of military discipline and control. With respect to the sufferings of the Legion, and the sickness at Vittoria, I must be allowed to ask the right hon. and gallant Officer (Sir H. Hardinge), whether, in the course of his military experience, he has not seen those sufferings and that sickness equalled? I would ask him particularly, whether in the Peninsular war, and especially in the neighbourhood of Badajos, after the battle of Talavera, the sickness which took place in the British army, an army far better equipped and provided than the Legion, but, like the Legion, consisting in a great degree of men recently arrived in the country, was not even greater than that which happened in the Legion at the period to which he has alluded. So far, then, from its being just, to make these circumstances, which are the ordinary evils and inconveniences of war, the ground for a specific charge against the measures of the Government, I believe that if the facts were well looked into, it would appear that the inconveniences which the Legion has sustained, have not been so great as those endured, at times, by the regular troops of England employed in the Peninsular campaigns.

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* From a corrected report, published by Ridgway.

But, then, the hon. and gallant Officer dwelt much upon the demoralizing effect that must be produced upon the Legion by serving in conjunction with men guilty of the cruelties practised by the Christinos. In the first place, I believe that if cruelties have been practised in Spain, they have been committed far less by the troops with whom the Legion has been serving, than by those whom the Legion has been fighting against. But it is too much for the gallant Officer, who served during the Peninsular war in co-operation with the troops of Spain—who saw the arms of England aided by the guerillas, and who must recollect the cruelties then committed upon the French, upon all stragglers, upon prisoners, and upon the wounded—enormities which I will not now repeat to the House, but which every one who hears me, and recollects that period of war, must have present to his mind—it is too much, I say for the hon, and gallant Officer, or for the right hon. Baronet (Sir R. Peel), who, I suppose, will follow me—it is too much for them, who did not think that the army of the Duke of Wellington ought to be recalled from the Peninsula, lest the morals of the men should be contaminated by the co-operation of General Mina—that same Mina, by the by, whose continuance in command, we are told to-night by the hon. and learned Member for Exeter (Sir William Follett) ought to have been a sufficient reason to induce us to break faith with the Spanish government—I say it is too much for these Gentlemen now to tell us that the Legion ought to be recalled, lest the morals of the men should be contaminated by the example of their Spanish allies. I regret these atrocities, whatever they may be, or by whomsoever committed, as much as any man in this House can do. But unfortunately, Sir, history tells us, that it is in the character of the Spanish people, and has been so in all times, whether in war or in peace, to be more reckless of the shedding of blood than any other nation in Europe. Look at their conquest of America. Look at all the wars that have taken place in Spain, from the war of the Succession down to the war which ended in 1815; and then look at their civil commotions; and you will see upon all those occasions a greater disregard of those principles of humanity, which we are so justly proud of, than is to be found in the annals of any other nation in Europe. But I trust and hope that one of the results of the regeneration of Spain, through the means of a free constitution, will be the creation of a public opinion, by which these defects and blemishes in the national character will for the future be corrected.

There is one topic from which I wish in the first place to disencumber this question. We have been told, that it is a crime in us to have allied ourselves with parties who are endeavouring to rob the Basques of their privileges. We have been accused of assisting to oppress, to subjugate, to reduce to degrading servitude, a free and independent people, who are fighting for their liberties and privileges; and to hear hon. Gentlemen opposite, one should suppose, that the question was, not whether despotism is to be imposed upon the people of Spain, but whether the inhabitants of the Basque provinces are to be deprived of free institutions, and to be reduced to arbitrary sway. Now, I say, that this is not the question;—the reverse of this is the question. The war in the Basque provinces, the insurrection, as the hon. and and learned Gentleman calls it —I thank him for the word: he talks of the insurgents; the hon. Member for Sandwich calls them, I believe, the royal forces—but that war, what was its origin? Why did the insurgents, as the hon. and learned Gentleman terms them, take up arms? Was it because their privileges were invaded? No such thing. They took up arms for Carlos and despotism, against Isabella and constitutional government. And what is the present state of the war in those provinces? Why, if I am not much misinformed, the Basques are as tired of the war, as any people can be of a great infliction from which they are unable to escape. The army of Carlos, I believe, is mainly composed of persons not belonging to those provinces. The councillors of Carlos, Moreno, and many of his other generals, are not Basques; and although a portion of his army is composed of Basques, even that portion consists in a great degree of persons who cannot quit his service, because their property, their houses, and their families are in the country occupied by the troops of that ferocious man. They know—they are more than told, for the threat has been executed—that if they desert his service their families will pay the forfeiture of their offence; these men are therefore compelled, whether willing or not, to continue in the service of Don Carlos. One hon. Gentleman, I think it was the noble Lord, the Member for South Lancashire (Lord Francis Egerton), said that he believed it would be a greater advantage to the Basques to get rid of their privileges than to retain them. I concur with that noble Lord in this opinion. Those privileges were great and valuable so long as the rest of Spain was subject to arbitrary government, and a despotic King. So long as neither justice nor law were to be had in Spain, then the exemptions of the Basques were an approach to constitutional freedom. But when the whole of Spain is governed, as I trust it will be, by a free constitution, with independent and impartial tribunals, by equal laws properly administered, and by a responsible executive; then, the Basques will find it far more to their advantage to be incorporated with the rest of the Spanish nation, than to be shut out in a corner of the land, from those benefits which their countrymen enjoy.

But what were these privileges of the Basques? No man will pretend that exemption from custom-houses on the coast, was a real advantage to them; because they themselves have frequently petitioned to be relieved from that privilege, and to be allowed to be placed, in that respect, on the same footing with the rest of their countrymen. The great privilege which they enjoyed, was the possession of local self-government, through those municipalities by which they managed their own affairs. And what are we to think of the consistency of those Gentlemen, who, while on the one hand they are endeavouring to deprive their own countrymen of those corporations to which they are so firmly attached, on the other hand stand up and entreat us not to interfere with the municipal corporations of the poor Basques — that invaluable legacy bequeathed to them from their remotest ancestry! I beg, Sir, that we may hear no more of this affected compassion for the Basques fighting for their privileges. The poor Basques are made the victims of persons who have other ends in view than the welfare of Biscay; and whose real object is to establish arbitrary power in Spain. The war which is carried on in the Basque provinces is not a war between the modern institutions of Spain, and the ancient institutions of Biscay. It is there, and upon that contracted scene, that is to be decided by issue of battle that great contest between the opposing and conflicting principles of government—

arbitrary government on the one hand, and constitutional government on the other — which is going on all over Europe; but which, fortunately for mankind, is waged in other countries with argument instead of arms, so that the peaceful occupations of the people are not disturbed thereby. I trust, that in all other countries that contest will still continue to be thus peacefully carried on; and that no violence of party, on the one side or the other, may disturb the tranquillity of Europe. But that is the real question at issue, and those who endeavour to limit us to the privileges of the Basques, give an imperfect and unjust representation of the true nature of the struggle.

I am glad that the right hon. Gentleman has at last brought this question to an issue, to be decided by a vote of this House. This mode of dealing with it is fairer to the question, and, I must say, more worthy of the party, than that which they have hitherto pursued. For, whatever may be the strength of their opinions, their course has not been calculated to impress other people with a notion that their convictions were very strong upon this subject. Their courage seems to have ebbed and flowed according to the fluctuations of the tide of war in the provinces of Biscay. When things went a little well for Don Carlos, there was a movement to their front; but when his affairs went ill there was stillness in their ranks. Last autumn it was thought that Bilboa would be taken and great was their song of triumph. Parliament not being then sitting we could not have those rejoicings here; but loud was the exultation that resounded from all their acknowledged organs of opinion. Bilboa was relieved, and relieved by that naval co-operation which, according to the hon. Gentlemen opposite, has done no good to the interests of England, though it rescued a town in which there were many English merchants, and much English capital, from a most disastrous fate. For, though it has been said to-night, that Don Carlos abstained from taking Bilboa by storm out of tenderness to the inhabitants, I firmly believe, that, if Bilboa had fallen, a scene of massacre and devastation would have ensued, exceeding any of those horrors which the hon. Gentlemen on the other side have referred to. Well, Bilboa was relieved; Parliament met; did we shrink from discussion? No; we put foreign affairs into the very first paragraph of the King's Speech. Yes, foreign affairs were put foremost in the speech. The hon. Gentlemen opposite contented themselves with some slight allusions to the subject; but the objections which are now made, it did not suit them (I believe that is their own expression) at that moment to bring forward. Then came the unfortunate event of Hernani; and then the courage of the Carlists in Spain, and the courage of the Carlists here, was once more aroused. Before that, and when the success of Bilboa had not been followed up with the activity which had been expected, the noble Lord, the Member for Hertford, went so far as to call the attention of the House to this subject, after the House had gone into a Committee of Supply. The noble Lord on that occasion candidly stated, that he waited till the Speaker had left the Chair, because, if he had made his speech at an earlier moment, some other hon. Member might have moved a resolution against it, and have carried that resolution by a large majority. Well, before this last encounter —this last misfortune—they had got so far as a speech in a Committee of Supply. But when the defeat of Hernani took place, and they were induced to think that things were going much worse for the Queen, their courage rose, and hence the present motion. They now came forward with a formal motion, to persuade this House to pass a vote which is intended to be, and which, if adopted, would be, a censure upon the Government, and a call upon that Government by this House to break faith with the Queen of Spain—to abandon our engagements—to tear our treaty in pieces, and to desert our ally, because some temporary disaster has befallen our arms.

For what is the motion before the House? It is true, that the motion of the right hon. Gentleman does not in words go to the extent I have just described. Quite the contrary. Oh dear, no; he knows too well—he and his Friends all know too well, that there is a feeling of honour in this House—that there is a regard for national faith—that there is a spirit, too, of good-will towards a nation struggling for its freedom; and if they had acted in a manly way, and had come boldly forward and put in words that which was to be the effect of their motion, they know that they would have a most inconsiderable minority, and that there would be no chance for them whatever of success. But that which I have stated is the meaning—at all events must be the effect—of the motion of the right hon. Gentleman, if that motion should be adopted by the House. Because, will any man tell me, that if this House were to say, that the order in council was improper, and were to affirm by implication that the naval co-operation which has been afforded, is not justifiable, will any man tell me that the effect, both in this country and in Spain, would not be equivalent to a declaration that England is to abandon the cause of the Queen of Spain, and that our engagements and our mode of executing them have been specifically condemned by the House of Commons?

Now, what is the fault which the Gentlemen opposite find with the Quadruple Treaty? They say, that it has been detrimental to the interests of England, and injurious to her honour. Is that really the case? If it be, why have not these Gentlemen come forward sooner? Why have they not stretched forth their savinghand to rescue this country from injury, and to save it from dishonour? Have they, during the three years that the treaty has been before this House, proposed a resolution of censure on the Government for concluding that treaty? Censure! Why, they have acted upon it themselves—they have executed it themselves—they have made it their boast to have done so. Is it then the treaty which they call upon us to disavow? Is it the treaty which they would have us abstain from executing? No, they will say, it is the order in council. The order in council indeed! Why, it is two years since the order in council was issued. Their objection to the order in council, excepting the objection of the right hon. and gallant Officer who has made the present motion, and who has rested his case chiefly upon the particular events that have passed in Spain, is an objection upon principle, and not an objection founded upon the operation of that order. But if they thought, that it was against the laws which ought to regulate society, for men to engage in another country in a war not their own; if their objections on this score were just and valid, why not come manfully forward when the order in council was first laid upon the table of this House? Why did they not then call upon the House to address the Crown to revoke that order, and prevent those countrymen of theirs, for whom so much compassion has been now expressed, from exposing themselves to all those calamities, and entailing upon their country all that dishonour, which these Gentlemen now so pathetically deplore?

Then the naval co-operation, also, has been equally denounced. Why, that co-operation has been going on for a twelvemonth. It has been known during that period to all the world, and has been avowed in this House from its very commencement. What then, I ask, is the reason for this tardy interposition—what is the reason they did not rescue the country from the injuries to be inflicted on it, when they had it in their power to state their views, and when there was time, if those views were correct, for some good to have arisen from stating them? Has the secret been let out by accident, by anything which has been said in this House in the course of the last week? Is it that there is anywhere any prophetic vision of things which may occur? Do "coming events cast their shadows before." Is it thought by any body, that it might for certain persons, in certain contingencies, be convenient to have a Parliamentary sanction for abandoning a treaty, which, in certain quarters, is not much approved of; and for receding from engagements which it was felt so grievous to execute? I have upon other occasions complimented the right hon. Baronet, the Member for Tamworth, for his faithful and honourable execution of the treaty when he was in office: I should be sorry if there were reason for any man to think, that the right hon. Gentleman was not prepared, under any circumstances, and let what may befal him, to continue to act in the same honourable manner as before: or that it would be agreeable to him to have any pretence for breaking the engagements and altering the policy of this country—a policy, which has for its object the freedom of Spain.

There are three subjects involved, then, in this discussion. The Quadruple Treaty,—the order in council,—and the naval co-operation. The right hon. and gallant Officer did not, in his speech, allude to the treaty, but other Gentlemen have done so. I will take leave to treat of these three subjects separately and distinctly.

There are those on the other side of the House, who know as well as I do, under what circumstances, and for what objects, the treaty was concluded. Every man, even the most superficial observer, must have perceived that the change which was made by Ferdinand in the succession to the Spanish crown, though effected by the will of the reigning sovereign, carrying into execution the recorded intentions of a predecessor; though sanctioned by the constitutional authorities of the country; though adopted by the people at large; and though accompanied by every circumstance of legality and regularity, yet laid the foundation for a great revolution in Spain. It was not merely the substitution of an infant female for a grown man; it was evident that out of that change must spring a great alteration in the internal institutions of Spain; and that with such an alteration in its internal institutions, there would also arise a change in the tendencies of its external policy. I say, that the change which soon after took place in the external policy of the government of Spain, was the natural consequence of the change in the order of succession. Up to the death of Ferdinand, Spain had invariably exhibited the greatest hostility to the government of Donna Maria in Portugal; and had supported Don Miguel in every possible indirect manner; and had even gone to the extent of offering him the assistance of troops. From the time that Ferdinand died, a change took place in the feelings and conduct of the Spanish government towards Portugal. England had at first remained neutral in the contest that was going on in Portugal; what was then our language to Spain? We said to the Spanish government, "If you send armed men across the frontier of Portugal to assist Don Miguel, the British fleet in the Tagus will instantly co-operate with the forces of Donna Maria; if you do not send troops, and do not otherwise interfere, we will not take part in the contest." What was the result? Spain remained passive, and England continued neutral. What happened on the death of Ferdinand? A change of policy almost immediately occurred. A Spanish minister came to London, actually to request the English Government to send a force to assist in expelling Don Miguel from Portugal, and to establish Donna Maria on the throne. Nothing was more natural than this, because Don Carlos was at that time, in Portugal, organising an army for the invasion of Spain. What was the answer of the English Government? "We will not comply with your request; we will not give the military assistance you desire to the cause of Donna Maria; we have taken our line of policy, and from that line we do not intend to depart. We will, however, give you something which will be of advantage to you—we will not give you an army, but we will give you a treaty." This offer was acepted; and now let us see what this treaty was. One of the objects of the Spanish government was, that a Spanish force should be allowed to enter Portugal, to put down the army of Don Carlos; and for the attainment of this object it was necessary that a convention should be entered into between the governments of Spain and Portugal. This afforded an opportunity for the attainment of a greater object. The English government said, "We will embrace the occasion which this convention affords us, to join the four great powers of the west of Europe, namely France, England, Spain, and Portugal, in one alliance—we will unite them for the attainment of one common and general object." England and France had for ages been enemies; Spain and Portugal had long been accustomed to regard each other with jealousy. To convert these former enemies and rivals into friends and allies, was surely a good deed; and without entering now into all the distant bearings of the Quadruple Treaty, or pointing out the contingent possibilities which may arise from it, I may be permitted to say, that thus to unite four great powers, between whom there are so many points of contact, and so many great interests in common, must materially tend to preserve the peace of Europe. We proposed this alliance to the French government, who joyfully acceded to it; I need not say, that the offer was thankfully received by the Spanish government; and the government of Portugal accepted it with eagerness. The right hon. Gentlemen opposite smiled when I mentioned that we had offered a treaty; I am not surprised at this; they know so much about treaties and protocols; and have bestowed so much study on the subject. They no doubt suppose, that this treaty was of no importance; they think it was a mere mockery to Spain and Portugal to offer it—well, what happened? The treaty was concluded in London, in April 1834, and was then sent to Portugal to be ratified, and the ratifications were sent back to England to be exchanged. This was in conformity with the practice of diplomacy, for the Gentlemen opposite are, of course, aware that a treaty is not in force until the ratifications are exchanged. The ratifications were exchanged in London on the 31st of May. But such was the effect of the treaty, that even before the ratifications were exchanged, Don Miguel surrendered; his army of 12,000 men laid down their arms; and the two pretenders abandoned Portugal. If, instead of a treaty, the English Government had offered an army of 20,000 men, the same result would not have been accomplished in the same time.

But this treaty consisted of two parts. In the first place, the general principle and objects were stated in the preamble; and next there were the articles of execution. Now, the preamble to which I wish to call the attention of the House states the views of the contracting parties, and the objects of the treaty. Hon. Gentlemen opposite said, that the treaty merely applies to the entrance of the army of General Rodil into Portugal, and to the object then immediately in view, namely, the expulsion of the two pretenders from Portugal. The preamble, however, says no such thing; but it states, in the following terms, the objects for which the parties entered into the treaty. It says, that "her Majesty the Queen Regent of Spain, and his Imperial Majesty the Duke of Braganza, regent of the kingdom of Portugal, being impressed with a deep conviction that the interests of the two crowns"—not the interest of the crown of Portugal only, but that of the crowns of both kingdoms—"being impressed with a deep conviction that the interests of the two crowns and the security of their respective dominions," not the security of Portugal only, but, the security of both dominions "require the immediate and vigorous exertion of their joint efforts to put an end to hostilities, which, though directed in the first instance against the throne of her Most Faithful Majesty, now afford shelter and support to disaffected and rebellious subjects of the crown of Spain." It is here obvious, that the intention of the treaty had reference to Spain as well as to Portugal. "And their majesties being desirous, at the same time, to provide the necessary means for restoring to the subjects of each,"—to Portugal only? No; "to the subjects of each, the blessings of internal peace, and to confirm by mutual good offices." Mutual good offices? Where would be the mutuality, if the treaty contemplated assistance from Spain to Portugal, but no assistance from Portugal to Spain? "The friendship which they are desirous of establishing and cementing between their respective states; they have come to the determination of uniting their forces, in order to compel the infant Don Carlos of Spain, and the infant Don Miguel of Portugal, to withdraw"—from whence? Why, from the place where they were; that is from Portugal. Would you have had the treaty stipulate that Don Carlos should be compelled to withdraw from a place where he was not? Such a treaty would, indeed, have been well worthy of the merriment of hon. Gentlemen opposite.

In consequence of this agreement between Spain and Portugal, to provide for the security of the two countries, and to restore internal peace to the two kingdoms, these two powers addressed themselves to the King of England and to the King of the French. What were the answers of the King of England and of the King of the French? Did the King of England say, "I am bound by treaty to Portugal to afford her aid and assistance under certain circumstances, but I have no interest in Spain; I will therefore abstain from being a party to the treaty?" No, the King of England and the King of the French say, that for certain reasons they consent to become parties to the proposed engagement. They state those reasons, and what are they? The first is, the interest which they must always take in the security of *the Spanish monarchy*; this is set forth as their first object in joining in this treaty. They were further "animated by the most anxious desire to assist in the establishment of peace"—where? In Portugal? "No; in the Peninsula:" Was this all? No; "as well as in every other part of Europe." Do the hon. Gentlemen opposite think that the peace of the Peninsula has no connexion with the peace of the rest of Europe! I will tell them, that if Don Carlos could succeed in establishing his power in Spain, peace might indeed exist there, for the iron tyranny that would ensue might secure a species of tranquillity; but even if this tranquillity of death were to prevail in Spain, peace would be destroyed in the rest of Europe. Look to the condition of France if Don

Carlos should succeed: if instead of having on the other side of the Pyrennees a friendly power, with whom she has common interests, she should see established in Spain a government similar to that which existed when Ferdinand ruled. I believe, though I cannot state it officially, that when the revolution of France in 1830 took place, and when it was doubtful whether the military powers of Europe would not unite, and endeavour to put down the new French Government by force, a message was sent from one of those powers to Ferdinand, that as soon as hostilities should begin on the Rhine, he must send an army of 40,000 men to the foot of the Pyrennees to control and embarrass the operations of France. The Spanish Government was not then independent, but was swayed by foreign powers, and by influences coming from afar. I say, then, that the establishment of Don Carlos on the throne of Spain would be incompatible with the independence, the security, and tranquillity of France. I am sure, if the French nation thought, that the cause of Carlos was likely to be successful, and that Isabella and the constitution were in danger of being overthrown, they would compel the French government to interfere, and to secure the throne of Isabella by the expulsion of Don Carlos from Spain.

I have before said, that the change of succession in Spain was in fact a revolution, a legal and peaceful one, but not on that account the less real. For what is the great and fundamental difference between the champions of divine right, and the advocates of the popular principle? Nothing more decidedly than this; that the first party consider nations to be like a private estate, the beneficial property of their rulers, and that hereditary rights must, in all cases, be held sacred; while the other party are of opinion that governments are established for the benefit of nations, and that there must reside in every community the right as well as the power to change, not only the form of government, but the order of succession. This was the principle on which our own Government was founded in 1688. This was the principle on which the present Government of France was founded by the revolution of 1830. The Government of Isabella rests on the same principle; and arose as much out of a revolution, although a peaceful one, as the Government of July in France; and I will not deny, that one of the effects which we looked to, as a possible consequence of the treaty was, that under its moral influence, this revolution might be worked out, without bringing upon Spain those calamities of civil war, with which she has since unfortunately been afflicted.

Now, as I have before said, this treaty is founded on the bounden obligations under which we are with respect to Portugal; upon our view of the interest of this country, as connected with Spain; and upon a desire to preserve the peace of Europe. I think that it was a wise and honourable measure.

Well, now, as to the articles of execution. When a prudent Government enters into an engagement, it is apt to limit its obligations to the circumstances of the case as they then stand— therefore the obligation on our part was, in the first place, confined to Portugal, because in Portugal at that time the parties were, against whom the treaty was directed. But will any man contend, that the spirit of the treaty was, that we should compel Don Carlos to retire from Portugal, in order that he might go and land in Spain? Would this have been honourable, or consistent with good faith? When Rodil was within two hours' march of Don Carlos, and would have known how to deal with him, we rescued Don Carlos from capture, and gave him a safe passage to England, from whence he soon after went to Spain. But will any man say, that this was the intention of the Treaty, and that when we engaged to compel Don Carlos to quit Portugal, it was for the purpose of enabling him to invade Spain more easily from another quarter? Having interfered to protect Don Carlos, and having thus been unintentionally the means of enabling him to put himself at the head of the insurrection in Spain, could we have turned round on the Spanish Government, and have said, Don Carlos has been compelled to retire from Portugal, and the Treaty has been fully accomplished? Would this not have been insulting mockery? I say, that after what had happened, and happened by our means, if we had then shrunk from the honest and complete fulfilment of our engagements, we should justly have exposed ourselves to the charge of the grossest treachery towards Spain. That power might well have said, you pretend to be anxious for the tranquillity of the Spanish monarchy, but you have snatched from our grasp the pretender to our crown; you protected him by British agents; you sheltered him under the British flag; you conveyed him away in a British man-of-war, you received him hospitably in the territory of Great Britain; you then allowed him to depart through France to invade the northern provinces of Spain; and now, when we call upon you to fulfil your promises to us, you quibble with us as to the meaning of words, you shrink from your engagements, you shuffle as to the interpretation of the treaty; you draw a difference between men firing off guns from a ship, and men firing off guns on shore; you set up a distinction between naval co-operation with your own army, and naval co-operation with the army of an ally. Sir, I say, that Spain would have had an unanswerable case for proving England guilty of the grossest bad faith, and I should have been ashamed to have stood up in my place to have defended the Administration of which I am a member, had we so behaved to Spain.

The first articles of the treaty are important, as showing what was the naval co-operation which all those who were parties to it, understood we were then prepared to afford. It was a co-operation with the troops of Spain and Portugal, engaged in military operations in pursuance of the treaty. Now let it never be forgotten that there is but one treaty in the case; the additional articles are no new treaty, but are as much articles of the original treaty as if they had been inserted in it word for word; and I am justified in stating, and my right hon. Friend, the Member for Kirkcudbright, who has spoken with so much ability on the subject, has well argued, that we must take the treaty and the additional articles together and in connexion, and that we must construe the one by reference to the text of the other.

Well, Sir, then, as I have said, came the escape of Don Carlos, and his placing himself at the head of the insurgents in the Basque provinces. Did the four contracting parties then consider, that the treaty was no longer applicable to that state of things? that the treaty had ended by its complete execution in Portugal, and that a new engagement was necessary for anything else they might have to do? Quite the contrary: the four powers considered the treaty to be fully in force, and that it was only necessary to prepare new articles in order to provide for the altered circumstances and localities of the case; and therefore, instead of entering into a new treaty respecting Spain, they deemed it sufficient to draw up these additional articles, which enabled them to adopt all such measures as might become requisite for the full attainment of the object which it was the purpose of the treaty to accomplish. These additional articles, may be said to be complementary of the treaty.

Among these articles was the one by which this Government engages to give, if necessary, the aid of a naval force. Sir, some hon. Gentlemen have been good enough to expound for us the meaning of this article; and they state, that the only manner in which this naval force was intended to act, was by a strict blockade of the northern coast of Spain; now I take leave to say, that so far from this being the only manner in which the article was intended to be executed, it is precisely the only manner in which it is utterly impossible that the article could be carried into effect. I have not to tell hon. and learned Gentlemen that the right of blockade is altogether a belligerent right —a right which can only be exercised by principals in a war, and not by those who act merely as assistants; and I have already stated over and over again, until I thought I had fairly tired the House by repeating it, that in this war we are auxiliaries, and not principals. Under such circumstances, the law of nations prevents us from instituting a blockade; and the law of England forbids it. Were we to stop a neutral vessel, we should have to answer for it to the country to which the vessel belonged. Were we to seize a British merchant vessel, its owner would have a clear ground of action at law against the captain of the seizing vessel. It is, indeed, somewhat curious, that that, which some hon. Members say, is the only true and real way in which we could carry this article into effect, does, in fact, happen to be precisely the only thing which, in virtue of this article, it was absolutely impossible for us to do. Well, then, what was it that we were bound to do? I repeat that which has been already stated by my hon. and right hon. Friends, that we were bound in good faith to give to the army of the Queen of Spain that same co-operation of our naval force, which, if we were principals in war, would be given by our naval force to our own army, or to the troops of any ally acting in conjunction with us.

To have taken in this respect, a different course from that which we have adopted, would have been disgraceful to the Government of England. The only question to be considered on this point is, what has been the manner in which our seamen, and our marines have co-operated with our own army, or with that of an ally, when employed in conjoint operations. Now, my hon. Friend, the Secretary to the Admiralty, has shown, in the clearest and most satisfactory manner, what has been the kind of co-operation which, in such circumstances, our navy has been in the habit of affording. Hon. Members, however, appear to think they destroy the force of the instances quoted by my hon. Friend, by saying, "Oh, but these are cases which occurred when we were at war;" but this only confirms my hon. Friend's argument. His argument indeed rests on this very foundation. Do these hon. Gentlemen call on us to show them instances of naval co-operation in time of peace? Do they require us to show them instances of our naval force acting on shore when there was no enemy to meet, no place to take, no hostile operations to carry on? Sir, this sort of thing is on a par with their expecting us to have signed articles to expel Don Carlos from Spain, at a time when Don Carlos happened to be in Portugal.

My hon. Friend has quoted cases enough, but he had more ready, had he not thought that to detail them would weary the patience of the House. He has quoted cases enough to prove, that it has been the invariable practice of our navy at all times, and in all quarters of the globe, when in co-operation with our own, or with an allied army, not to limit their operations simply to acting on ship-board. He has marched our sailors and marines across deserts, has shown them raising batteries, storming works, besieging fortresses, and taking towns. My hon. Friend has quoted sufficient instances fully to make out the position he laid down. There are, however, two cases which I shall beg leave to mention, in addition to those already adduced, and I quote them the rather, because they refer to the country now the subject of discussion; and because the question is, what our naval force ought to do in connexion with an army acting in Spain. The cases I shall mention are certainly not of recent occurrence, but they are not on that account the less well known, nor the less important in the annals of this country. The instances I shall mention are both connected with transactions occurring in what were Spanish territories—the first relating to the capture of Gibraltar; the second to the taking of Minorca; in both which events our naval force acted on shore.

What is the account of the taking of Gibraltar, as related in an excellent work from which I am quoting? It is this:—

"Sir G. Rooke, the English Admiral, and the Prince of Hesse Darmstadt, the Spanish General, with five or six thousand land troops, returning from an unsuccessful attempt on Barcelona, in 1704, determined to attack Gibraltar. They summoned the place; but the Governor, Diego de Salines, refused to surrender. On receiving this answer, the Prince of Darmstadt immediately landed [what? his own troops? No; he landed] 1,800 marines on the isthmus, while Sir G. Rooke opened his batteries by sea. The bombardment began on the 2nd of August, and continued till the 3rd, when part of the garrison went to prayers, it being a saint's day. While they were thus employed, the eastern quarter of the rock was left unguarded, and a party—[of whom? we have already landed our marines, and here come the sailors,]—and a party of English sailors seized this opportunity to scale the almost inaccessible precipice, thus threatening the fortress from the heights which overhang it. Captain Whittaker manned his boats, stormed the mole-head, and carried the town; and the garrison having capitulated, Sir G. Rooke took possession of the place in the name of the Queen of England, and it has continued in our possession ever since."

What, Sir, is the account in the same work of the taking of Minorca? It is this:—

"In 1708, General Stanhope and part of the fleet of Admiral Leake reached Minorca on the 14th of September. The whole force, including the marines who served on shore, did not exceed 2,600 men, about one-half of them being English."

Now I beg the House to attend to what follows, because we have been told that to land guns from ships is an unheard-of thing:—

"And the Artillery from the ships consisted of forty-two great guns, and fifteen mortars. On the 30th of September the place surrendered. Among the killed was General Stanhope's brother, the captain of the Milford, who had determined to head his own marines on shore."

We have been found fault with for employing marine artillery on shore. Why, are Gentlemen aware that there is attached to the corps of marines a train of field artillery, as part of the regular equipment of the force. And I should like to know where the marines are to use field artillery, except on shore? The very motto of the marine force, *per mare, per terram*, shows that their operation are not intended to be limited to the sea. The hon. Gentlemen opposite are desirous of making it appear, that it is not according to the practice of war to land artillery from ships, but it seems to me, that the contrary has been clearly proved. The book I have quoted from is the work of an author who writes in a spirit well worthy of the nation to which he belongs; and the House will fully bear me out in saying so, when I have read another short extract from the work; an extract also somewhat applicable to the present discussion. In speaking of the abolition of the Fueros, in 1707, by a decree of Philip 5th, he says:—

> "And thus, disputed succession and contending parties, which to most nations have given a dawn of liberty, in this ill-fated country only added to the darkness; and instead of augmenting and confirming the popular power, overthrew the frail remnants of its past authority."

Sir, if the motion of hon. Members opposite be carried—if their object be effected—and if this country shall declare to Europe that it withdraws itself from the alliance with Spain—that it abandons its solemn engagements—it is very possible that the present disputed succession and contest of parties in Spain, may lead to the result which the author of this book so eloquently deprecates. The book from which I have quoted, a book which does honour to the author's character and talents, is the "History of the War of the Succession, by Lord Mahon."

I repeat, then, that it is a mockery to try to draw a distinction between men waging war on ship-board, and the same men waging war on shore. We are told that we had no right to send marines to shoot the Basques two miles in shore; but there is no harm, it seems, in the marines shooting them from the ships. It is said, "If you let the marines kill men on shore you commit an outrage, you violate the law of nations; but if your marines kill men from the ships, it is all very proper; you are fulfilling your engagements, and we hold you perfectly harmless." Now, Sir, I will put this question:—In the attack on the Carlist lines before San Sebastian, the Phœnix fired her guns with such admirable precision and effect, that though she was at the distance of two or three miles from the works, her shot made a breach in the walls, through which the troops entered. Now, can it be asserted that this was allowable, but that it would have been unjustifiable to have landed the same men, and the same guns to have done precisely the same thing on shore? Is an assembly of intelligent and practical men to be gravely told that the distinction between right and wrong depends on whether troops act a mile one way or a mile the other? This seems to me a mode of reasoning altogether unworthy to be addressed to a legislative assembly like this.

But supposing for the sake of argument it were admitted, that the employment of the marines on shore was somewhat beyond that, which the treaty compelled us to do, (which however I entirely and totally deny,) I beg to ask who in that case is the injured party? who states himself aggrieved? Don Carlos? No. The whole treaty was against him, and he was no party to it. There are only two parties who could have any possible ground of complaint. The Spanish Government might complain, that we were exercising an interference in the affairs of Spain a mile or so more inland than we were called upon to go; but has such a complaint been made by them? I will undertake to answer for them. I will undertake to assure hon. Gentlemen opposite that no complaint has been made, or will be made by the Spanish Government, of our having gone beyond their wishes in the assistance we have afforded. If any complaint were made by them, it would be of a very different character; it would be a complaint that we had not yielded to their repeated request to give more active and extensive aid. The other party who might complain are the marines; but I am well convinced that we have no forgiveness to ask at their hands. The marines and sailors of England have never complained of any Government for sending them upon arduous services—for putting them in the path of honour. But the marines have here not only been sent on arduous service, and put in the path of honour, but they have also been placed under the command of a distinguished officer—distinguished not more by his high professional talents and gallantry in the field, than by his prudence and judgment. Lord John Hay's conduct has been such as to earn for him the applause of his country, and the warm approbation of his Sovereign, and to render him an object of admiration to all Europe. Now, what says Lord John Hay in the dispatch which has been laid before the House, as to the manner in which the marines acted, and how far as a naval force?—I am ready to concede, that if the battalion had been marched into the interior of the country, and placed under the command of Spanish or other military officers, this would have exceeded the meaning of the term "naval co-operation;" but I contend that so long as they are under the orders of a naval officer only, they are, in the strict sense of the word, a naval force. Lord John Hay, in giving an account of the action of Hernani, at which he was present with his marines, states, "As I considered the force belonging to his Majesty's squadron employed on this occasion had rendered all the assistance they were calculated to afford, I directed the different detachments to return to their ships, and the marine battalion and artillery to the positions they occupy for the protection of his Majesty's ships in the ports of San Sebastian and Passages." Thus we have it under the hand of the Commander himself, that though these men were employed three miles from the sea, yet they were never out of the command of their naval superior and were strictly and literally a naval force. An attempt has been made to contend that Major Owen, who commanded the marine battalion, was under the orders of General Evans, because he complied with his request on the field of battle. But the distinction is clear between the case of an independent and responsible officer acceding to a request, which implies that in assenting, he exercises his wn discretion; and that of an officer acting under the orders of a superior whom he cannot disobey.

Sir, I say, that, looking at the manner in which this treaty has been executed on our parts, we have not done more for Spain, than Spain was entitled to demand at our hands; and I say further, that if we had done less, we should have been guilty of a breach of faith.

I am glad of the nature of the charge that is now brought against us. I rejoice that I do not stand here to defend the Government of which I am a Member from an accusation so overwhelming as the violation of our plighted faith to a deceived and deluded ally; that I am not standing here to vindicate us for having meanly evaded an engagement—for having basely abandoned a friend in a moment of difficulty. The charge that I am repelling is, that we have acted with too much good faith—that we have executed our engagements too completely—that we have, in the opinion of persons, not indeed our friends, and therefore not altogether inclined to see our merits, but more likely to distort them into faults—gone a little—and how little it is that even they can allege—beyond the point to which we were strictly, and, by their own acknowledgement, bound to go.

Really, I scarce like to notice the objection, it is so extraordinary a one, taken by an hon. Gentleman opposite, that all this might have been very well, if there had not been some supernumerary marines employed—and if the ships had only had their regular complement. What did my right hon. Friend, the Member for Cumberland, with whom I had the happiness of acting, when he was First Lord of the Admiralty—what did he think of such an argument as that? Did it not occur to those who used this argument, that it would have been exceedingly easy to have legalised the affair according to their views, by sending an additional ship or two of the line, with the necessary number of additional marines in their holds. If that had been the only difficulty, we might have got rid of it after the manner of the judge, of whom we are told, that when a document was held up to him, and was objected to by counsel as not being a complete indenture, because the top of it was not cut, he asked to look at it, and having received it, took out his scissars, and cut its edge with the proper waving outline. So, Sir, I say, that to have got rid of the objection to which I have referred, it was only necessary for us to send out a few more ships, and in their holds, a few more marines, and thus we should have had as many marines as we wanted, without having any supernumeraries. But is the practice of employing supernumerary marines a novelty? And if it be not a novelty, is it unsuited to this occasion? I am sure that the naval officers in this House will bear me out in saying, that it is a constant practice to send on particular services, supernumerary marines. I don't know whether it was when my right hon. Friend opposite had the management of the Admiralty, that the arrangement took place, I rather think it was; but the Mediterranean fleet has long had—what? Why, supernumerary marines, and a train of field artillery—yes, a field train of the marine artillery! Sir, having come across this argument, I could not help noticing it; but in doing so, I must declare I think it an argument which the hon. Gentlemen opposite will not be much disposed to insist upon.

I say, then, that what we are charged with, is that to which we plead guilty—namely, an honest, honourable, and straight-forward fulfilment of our engagements—a resolute determination not to quibble with an ally, and not to shuffle out of the fulfilment of a treaty, into which we had advisedly and freely entered. And holding, as I do, a responsible situation under the Crown, a position in which men must lay their account with being attacked by the party opposed to them, I only pray to Heaven, that I may never be exposed to any more serious charge than this—that, in the execution of a treaty, we have not only gone to the full extent of our promises, have not only fulfilled our engagement to the letter, but out of a sense of delicacy towards our ally, we have, if any thing, even gone beyond it. I trust that such a charge will be the heaviest that it will ever be my lot to meet.

I will now proceed to the next point, the order in council; and here I must repeat that it is somewhat singular, if hon. Gentlemen entertain such objections to this order in council, that they did not venture to come to Parliament, and ask its opinion on the subject, at a time, when, to have done so, might have led to a more practical result. The first objection taken is, that the order in council giving British subjects permission to enlist into the service of Spain, is disgraceful and dishonourable to the country. No Gentleman has said that it was illegal; but why is it not illegal? What makes it strictly legal? Why, the circumstance that it is specifically provided for by Act of Parliament. The very issuing of such an order in council, is provided for in the Foreign Enlistment Act: a power is reserved, by that Act, to the Crown, to give permission, either by order in council, or by licence, to British subjects to engage in a foreign service. Now, if for British subjects to engage in a foreign service is a disgraceful thing—if it is dishonourable to the country, as has been alleged, how came Parliament to give the Crown the power to disgrace itself, and to permit its subjects to dishonour their country? Why, what a reproach this is, on the memories of Lord Liverpool and Lord Londonderry, who proposed this measure to Parliament. Is it to be imagined, that they would have deliberately inserted in the Act a provision, which, from its very nature, it would be impossible, because disgraceful, to execute? I say, Sir, that the hon. Gentlemen who utter that opinion, are pronouncing a most serious and unfounded censure on the memory of their departed friends. But let us see what was the argument used by those who brought in the Foreign Enlistment Bill. Did they think, that the permissive power was in no case to be exercised? They said, "We object to allow British subjects to enlist at their will, when and where, and for what purpose they please, because their doing so might bring the country into quarrels which the Government did not mean to engage in. We contend, therefore, that British subjects ought never to be allowed to enlist into a foreign service, except in accordance with the avowed policy of their own Government." I say, that the enlistment in the case which is now the subject of debate, was in accordance with the avowed policy of the Government. And, inasmuch as it cannot be supposed that Parliament would make an enactment which it intended should never come into operation, the issuing of the order was also in accordance with the intentions of Parliament, when it passed the Act. Could it be intended, that this power should be exercised in a case in which the country meant to remain neutral? That the King should formally give permission to his subjects to enlist into a foreign service when he had declared himself neutral? Obviously not. But, on the other hand, to grant this permission in cases in which the country is at war, would be evidently unnecessary; I contend, then, that the case contemplated for the exercise of this permissive power, is one in which the country neither acts on the system of neutrality, nor takes a part as a principal in war; but in which it may bind itself by treaty, or without a treaty may think it politic, to favour one side. Under such circumstances it was thought right that the King should be empowered to give permission to his subjects to engage in a foreign service, and such is precisely the present case.

Now, really, when I am told that it is a thing in itself disgraceful, that the subjects of one country should enlist into the service of another, to take part in a war in which their own country is not engaged, I stand amazed; for I am asked to imagine, that the whole history of the world is nothing but a fanciful dream; that the practice of some of the most distinguished men of all ages and of all countries, has not been a reality; and that the records of their actions which history has handed down to us, are mere creations of imagination, and never had existence in the actual transactions of mankind. There is no country in Europe whose subjects have not, at some time or other, engaged in the service of a foreign power. Many of those men who have taken a part in the wars of foreign nations, have excited the admiration of all ages. Many of those Englishmen whose names are dearest to our recollections, and whose characters we most admire, have had recorded in the annals of other countries, achievements which secure for their memories immortal fame. The hon. and gallant Officer who began this debate, mentioned a conversation which took place between him and his friend (and my friend, too, I am happy to say), General Alava, with regard to the exploits of the Black Prince. Does not the hon. and gallant Officer know, that the Black Prince was guilty of this disgraceful and dishonourable practice? and in Spain, too? And, by-the-bye, as the hon. and gallant Officer has mentioned the name of General Alava, I beg to ask him to recollect who it was who applied to the Government of England for this disgraceful and dishonourable permission? Who was the Spanish minister in London, who, of his own authority, on his own responsibility, without waiting the instructions of his government, but knowing well their sentiments and intentions, made the demand for the order in council? It was General Alava himself. Who was it, who, when the Legion was raised, accompanied it to Spain? Who was it, who, thinking that in his double capacity of a gallant and patriotic Spaniard, and of an adopted Englishman, for he had served with our armies till he taught them to admire his valour and look on him as a brother; who was it, I say, who, thinking that in his double capacity he might facilitate the first operations of the British corps, by establishing friendly relations between them and the people of his own country, embarked with them himself for St. Sebastian? Why, it was the friend of the hon. and gallant Officer opposite, General Alava. And who was it who accompanied General Evans on that Sunday *réconnoissance,* of which we have heard? General Alava.

Sir, we are told that it was a work of supererogation on our part, thus to put ourselves forward in defence of the Queen, by allowing British subjects to enlist. But did the English Government act singly in this matter? No. When application was made to the Government of England for this kind of assistance, a similar and simultaneous application was made to the government of France. France acceded to it as readily as England had done; with only one difference—our consent was given, that men should be raised by the Spanish agents, but we were to have nothing to do with the recruiting; and it was stipulated that the force should not be organised or disciplined in this country. But the men enlisted in France, were men who had been raised, organised, and disciplined at the expense of the French government; and they were commanded by officers holding rank in the French army; in fact, a complete French corps was transferred to the Spanish service, under the condition that, when it had finished its engagement, it should return into the service of France, and resume its place on the military establishment of that country. And is that corps no longer in the service of Spain? Have the Carlists in the French chambers urged their government to re-call this corps? No, it is still in the ranks of the Queen of Spain, doing good service, and greatly distinguishing itself whenever it is called into action. Nay, more; the French government contemplated a large increase of that force before the events of La Granja happened; at that period, the Legion was to be increased to 10,000. Why was not that proposition carried into execution? The French government took a view somewhat different from our's of the events of La Granja. They thought those events a reason for not giving that additional succour. We, on the contrary, were not of opinion that those events afforded any just motive for withholding aid from Spain. We did not think, that because the Queen was involved in unexpected difficulties, we ought therefore to withdraw our assistance from her.

I have mentioned the Black Prince, and some other hon. Gentlemen have adverted to the reign of Elizabeth. I do not propose to mention all the instances bearing on this subject in that reign, because it is full of them; but there are one or two which are so peculiarly applicable, that I must be permitted to allude to them. One of the first acts of Elizabeth was to do precisely the thing which we are found so much fault with, for having done. It is well known, that peace having been concluded at the commencement of her reign between England on the one hand, and France and Scotland on the other, disturbances broke out in Scotland, and the Scotch congregation applied to Elizabeth for succour, in consequence of the arrival of troops, to be employed against them, from France. Elizabeth, after much consideration, determined to afford the assistance required. She supplied not only troops, but a naval co-operation, arms and ammunition; and the assistance thus given, was attended with success. The hon. Gentlemen opposite may say, put that case aside, for we do not approve of it, and do not think it deserving of imitation. But what was the opinion given of that case, not by a contemporary nor by any mean authority, but by a man who will, for different reasons, find favour on both sides of the House; whose political opinions will not be thought too liberal by Conservatives, whose philosophical views will not be deemed too confined by Liberals? What says Hume on this subject? We read as follows:—"Thus Europe saw, in the first transaction of this reign, the"—what? the imbecility and short sightedness? no, the "genius and capacity of the Queen and her Ministers. She discovered, at a distance, the danger which threatened her, and instantly took measures to prevent it. Making all possible advantage of her situation, she proceeded with celerity to a decision, and was not diverted by any offers, negociations, or remonstrances of the French Court. She stopped not, till she had brought the matter to a final issue, and converted that very power to which her enemies trusted for her destruction, into her firmest support and security." I beg to call to the following passage the particular attention of those who reproach us with not having made sufficient use of the assistance we have given to Spain, in order to extort from the Spanish Government commercial and other advantages for the promotion of our own particular interests:—"By exacting no improper conditions from the Scottish malcontents, even during their greatest distresses, she established an entire confidence with them; the regard which she acquired" by this disgraceful and dishonourable proceeding? No; "by this dexterous and spirited conduct, gave her every where, abroad as well as at home, more authority than had attended her sister, though supported by all the powers of the Spanish monarchy." Now that is one very remarkable instance. There is another which I beg to quote. In 1562, the French Huguenots applied to Elizabeth for assistance, and she gave them troops and money. But most remarkable are the reasons which are stated for her conduct on this occasion by Camden, the historian of her life. He says, "She sent an army into Normandy, not to recover that country, though it were the ancient inheritance of the Kings of England, and forcibly taken from them against all right and reason, but to preserve it for the French King, being not yet of age, and to deliver it from the tyranny of the Guises, who had begun to practise barbarous cruelty against the professors of the purer religion." For the "French King not of age," read the infant Queen of Spain." In place of the words to "deliver it from the tyranny of the Guises," read "to deliver it from the tyranny of Don Carlos;" and for the conclusion of the sentence, "who had begun to practise barbarous cruelty against the professors of the purer religion," read "who had begun to practise barbarous cruelty against the professors of constitutional principles," and the passage will be no less applicable than the example, to the transactions we are now discussing. There are various other cases in the same reign. But one in 1589 is worthy of being mentioned. The circumstance took place on the assassination of Henry 3rd by James Clement, the monk, and the account is to be found in Camden's life of Elizabeth. He observes as follows:—"The King of Navarre, whom the King at his death had declared his successor"—read the Queen of Spain, whom the King at his death had declared his successor—"according to law and right; they (the league)"—read the Carlists, "excluded from the Crown, by proclamation, as an apparent heretic, and one that had brought in foreign enemies armed into the country." The very pretence upon which the decree of Durango was issued "The Cardinal of Bourbon was proclaimed king by the title of Charles 10th. The Duke of Maine advanced against the King of Navarre, also proclaimed King of France, and then at Dieppe. The King of Navarre sent to Elizabeth for aid: The Queen, not to fail a king of the same profession, and in his so dangerous a condition, supplied him with 22,000*l.* English money, in gold, sent him arms, and 4,000 men, under Peregrine, Lord Willoughby, who had commanded in the Low Countries, after Leicester's departure. She appointed for colonels, Sir Thomas Wilford, who was made marshal, Sir John Boroughs, Sir William Dury, &c., and readily offered them a month's pay beforehand." Elizabeth, on that occasion, sent money and men, and the circumstances under which this assistance was given, were strikingly similar to those of the present case.

To mention all the cases in which British subjects have joined foreign armies, would be to remind Gentlemen of the pages of history with which they are familiar. I will simply mention the 4,000 volunteers sent by James 1st, under Lords Essex and Oxford, to assist the Elector Palatine; the assistance given to Gustavus Adolphus, by the force raised by the Marquess of Hamilton, under Charles 1st; the Scotch Brigade, so long in the service of Holland; the Irish Brigade in Spain; the Irish Brigade in France; the glorious instance of Marlborough, who obtained his first experience in the art of war at the sieges of Nimeguen and Maestricht. In addition to these cases, what do hon. Gentlemen think of the many British officers who have held, and still hold commissions in the Austrian service, not to mention the thousands of persons who have gone into the service of Portugal, and of the South American States. There are instances, without number, of a similar kind; and if the name of Marlborough be held in respect—if that of Sydney be entitled to our enthusiastic admiration, then may we venture to doubt that the reflections cast upon the honour of our country in the present case, are well founded.

But has there been no reciprocity in this matter? Has this country always given, and has she never received in return? On the contrary, our history is full of cases, in which foreign troops, I will not call them mercenaries, because that name has, by a perversion of meaning, been construed into a term of opprobrium, but in which foreign troops have been engaged in the service of England? Look at our navy—during the last war it was full of Danes, and Swedes, and Americans, at times too when neither Denmark, nor Sweden, nor the United States, were themselves at war with our enemies; but when, nevertheless, those hardy seamen did service honourable to themselves, and useful to this country. Then look at our army: does not the hon. and gallant Officer know, that, during the late war, we had constantly foreign corps in our army? That Swiss, Germans, Italians, Corsicans, Illyrians, Greeks, were perpetually fighting in the same ranks with our own men? And I beg to ask, whether the right hon. and gallant Officer ever knew, that on the morning of battle, the General bid these men retire from the field, and not disgrace our troops by their contaminating presence; or did he ever know that in the evening of victory, they were branded with the stamp of infamy, as murderers, instead of sharing in the laurels with which their companions in arms were crowned? Did the hon. and gallant Officer himself, when fighting side by side with these very men, ever say to them, that in so going to war, they were doing an act disgraceful in the eye of man, and sinful before heaven. But if this be really so, and if a man who fights in a cause not nationally his own deserves such censure, what must be the offence of those who bribe him to commit the crime; and what must be the guilt of the government which shall enlist into its ranks whole regiments, and shall subsidise whole armies for its service; and shall urge and pay great empires to continue the prosecution of a war, when, if they consulted but their own interests and their own policy, they would conclude peace. And yet, in former periods how long have some of our allies been induced by these means to continue in arms when but for the subsidies received from us, they would have been at peace? But, between these two cases, there is this material distinction, that whilst in the one case, we have officers and men engaging in war at the risk of their own lives; in the other, we have a government, who, with a view, perhaps, to its own permanence or advantage, engages, not a regiment, not a legion, but whole nations in the continuance of war, in which they have no necessary and natural interest. Let us hear then no more of arguments, which I cannot speak of as they merit, without departing from that courtesy of language which, on all occasions, I wish to observe.

However skilfully the question we are now debating may be disguised, it is nothing more nor less than this: in the first place, whether England shall continue to fulfil her engagements with the Queen of Spain, or whether she shall disgracefully recede from the position she has taken up, and abandon an ally whom she has pledged herself to succour. This is the immediate question actually before the House to-night! but even this is far short of the real and ultimate tendency of the motion. The question is not simply what has happened, or may happen, in the Basque provinces; it is of wider range and more extensive bearing. The contest now waging in Spain, is but a portion of that great contest which is going on elsewhere throughout the world. The House has to decide to-night between two opposite systems of foreign policy. But these opposite systems of foreign policy are not isolated principles, which may be taken or rejected by themselves; they are intimately connected with, and deeply affect, also, our domestic interests. Hon. Gentlemen opposite say, that they are most anxious to reform all proved abuses at home, and that they hate tyrants and despots abroad. But we have never yet had the good fortune to point out an abuse at home which they were ready to acknowledge as a fit subject for reform; and if we are to judge by the way they have clung to Don Miguel and Don Carlos, it is clear that, in their opinion, despots and tyrants abroad are extinguished races of animals. They say, indeed, they do not support Don Carlos; but still they do support the principles of which he is the champion; and the result of their motion, if carried to-night, will be to give great assistance to his cause. Such must be the consequence of proclaiming to the world, that England has no interest in the success of the existing government in Spain. Don Miguel was, in like manner, supported by hon. Gentlemen opposite. When in office, they truckled to him, and submitted to indignities from him, which nothing would have induced them to bear, but their attachment to the principles of which he was the type; for I will not believe, that they could have endured the affronts which they received from Don Miguel, except from the fear that, by resenting those insults, they would have shaken that system of government in Europe to which he belonged. Out of office there was no sort of assistance they could give him, and by which his Majesty's Government could be embarrassed, that was not afforded with alacrity by hon. Gentlemen opposite. They, in fact, have throughout, done all they could to support Don Miguel and Don Carlos; and as it could not be from any regard for the individuals themselves, I can only attribute it to their approval of the principles of government with which those individuals were connected. Such, then is the question before us. It is a choice, in the first instance, between certain opposite principles of administration at home, and, secondly, between the success or defeat of certain general principles of policy as applied to the whole of Europe.

The right hon. Baronet, Member for Tamworth, was pleased the other night to taunt us with the state of our Government at home, and of our relations abroad. The right hon. Baronet was pleased to say, that within and without we were at such desperate straits, that, for our own sakes, we were desirous of being released from the arduous responsibility of our functions. And, then, with a courtesy and considerate kindness which was hardly to be expected from a political opponent, he added that he was ready to relieve us from all our embarrassments. Bad as is our position, desperate as is our case, the right hon. Baronet is ready to take up our tables, and win the game by his own superior skill, with our pieces as they stand. The right hon. Baronet deplores, that in consequence of our unfortunate foreign policy, and our total want of influence amongst our neighbours, we have not been able to do—what? —why, forsooth, to make a ministry for France! Where, too, is our influence in Spain? exclaimed the right hon. Baronet; have not the Spaniards repeatedly changed their constitution, have not they had first the Estatuto Real, and then the Constitution of 1812, and is not that also now about to be altered; have not they had Martinez de la Rosa, followed by Torreno, and then Mendizabal, and now Calatrava; and where was our influence that we could allow of such proceedings, at a time, too, when we had a frigate and three brigs in a creek at Passages, and 400 marines in a barrack at St. Sebastian. Is it not truly disgraceful that we should permit such things to go on? And these taunts proceed from the non-intervention Gentlemen; from those who are daily reproaching us with meddling too much with the affairs of other countries! But, as the right hon. Baronet has been pleased to taunt us with the extremities to which we have reduced ourselves, and brought our foreign relations, I should wish very much to compare the position of affairs now, with their state when he was himself in power. I wish for no other ground on which to call for a vote to-night, or upon which to go to my constituents at the hustings, than a comparison between the state of our foreign relations at the present moment, and what they were in 1830. In 1830, when, I will not say that the Ministers of the day fled from the helm and left the ship to the mercy of the winds and the waves, but when most assuredly they were not sorry to see the vessel boarded and themselves compelled to surrender their charge. I do not wish to dwell upon the internal state of the country at that time. I will not compare the discontent and irritation which prevailed throughout the United Kingdom at that period, with the tranquillity and satisfaction which are now everywhere seen. I will not contrast the lawless and unruly conduct of the agricultural population at that time, when flames were blazing in the farm-yard and in the corn-field, with the industrious toil which distinguishes the present period, and the peaceful fires which warm the hearth of the peasant on his return at night to the bosom of his family. I will not go into all these topics; but I will ask the right hon. Baronet what was the general opinion of the state of our foreign relations at that period, and what those relations are now? In 1830, was there one man belonging to the present Opposition who believed that peace could be maintained for six months? Was there one man amongst them who, when expressing his opinion in public, did not state that war within six months was unavoidable? Not only was that declaration made in debate in this House, but when sitting by an hon. Member on a side bench, I was warned in these prophetic words: "If an angel were to come down from heaven to write your despatches, even that would not prevent a war within the next six months." Now, no angel descended from heaven to write our despatches, and yet we have succeeded in maintaining peace, not for six months, but for six years. Do I mean to infer that these hon. Gentlemen were not sincere when they announced those direful forebodings? On the contrary, I believe that they were perfectly sincere; and with their views of things, with their political opinions, with their tendencies and principles of action, there was good reason why they should have thought as they did; and knowing the opinion of Europe at large in regard to their policy, they saw no possible escape from that war which they predicted. I do not mean to say, that if they had remained in office, war would inevitably have occurred: I am sure they would have done their best to avoid it, but we may be allowed to doubt whether they could have succeeded. But did we, even at that period, ever express the same apprehension? Did we ever proclaim that war was inevitable? We said the exact reverse, and pledged ourselves to maintain peace. That pledge we have redeemed; and I do say, that when we consider the calamities which war brings in its train, destroying the results of human industry, retarding the improvement of mankind, and rolling back the tide of civilisation, those who have materially contributed to avert for six years the calamities of war from the community of European nations, may indulge in the satisfactory reflection that their pains have not been fruitless, nor their labour vain.

So much for a general view of the state of Europe now and in 1830. I will not go into a detailed comparison of the state of the different countries of Europe in the two periods, but there are one or two which I feel it necessary to particularize. What was the state of Belgium in 1830? As complete anarchy and confusion as ever existed in any country in this world. What is her condition now? She is one of the most tranquil, prosperous, and happy countries in Europe. Yet if there is any one topic upon which I have been made the object of pointless attack, it is the affairs of Belgium. When a cheer was wanted to be raised, some hon. Member on an opposite bench would utter the word "protocol," and would be responded to by those who perhaps never happened in their lives to know what a protocol is. Why, Sir, if our seventy protocols, (aye, or had they been seventy times seventy,) have succeeded in tranquillizing Belgium and preventing the revolution in that country from producing a general war throughout Europe, I really think that protocols after all, have done no inconsiderable service. Then, as to Portugal. I will not expatiate upon the indignities which England had experienced in 1830 from the government of that country; but I will simply state my conviction, that Don Miguel, whom the Government of that day had denounced as an usurper, would, nevertheless, in six months, if that Government had continued in power, have been acknowledged King of Portugal, just as in six years afterwards Don Carlos would by them have been recognised as King of Spain. And this brings me to Spain, and how do we stand there? Our relations with Spain are greatly improved: I am asked whether we have gained any influence there, I answer yes; and, as a proof of it, I point to the treaty which we have concluded with that power for the suppression of the slave trade; an act of humanity and justice which ought to have been accomplished long since, but which no power of diplomacy on the part of England had before been able to extract from the former governments of Spain. And whereas, in the time of Ferdinand, the influence of Russia was paramount at Madrid, Great Britain is now regarded in Spain with those sentiments of friendship and esteem which are due to our good faith, and to our strict adherence to treaties and engagements. I am bound to say, that the respect which Spain has for this country, is very much owing to the able and judicious conduct of the representative of the British Government at Madrid. The high character which that minister has personally established, and the good faith which the British Government has observed in its dealings, have indeed rendered the character of an Englishman a passport throughout Spain.

I say, then, that whether we look at the general question or at its details, the object of one party is to support Carlos and despotism, the object of the other to uphold Isabella and the constitution. But what an unnatural and unnational alliance, is that which combines Orangeism at home, with bigoted Catholicism abroad; the only link of connexion being, aversion to reform here, and detestation of constitutions there. In the days of the Reformation, when religion divided the different powers of Europe, we saw despotic sovereigns and free states united in league to defend the principles of religious liberty. In these days, we see men of the most opposite religious opinions confederated together to retard the progress of political improvement. The real question then which the House is about to decide, is one of great importance, not to England only, but to all Europe; and the House may rest assured that their vote this night will determine, not merely whether General Evans shall or shall not return, or whether Lord John Hay shall permit his marines to go a mile more or less from the coast, but what shall be the issue of questions which affect the interests of the world. The opinion which this House will to-night pronounce, will decide not simply between conflicting parties in England, but between antagonist principles struggling for ascendancy in the other countries of Europe; and on that decision may depend the peace, the welfare, and the happiness of nations.

Sir *R. Peel:* Before I proceed to state what is in my opinion the real question at issue, I must be permitted to refer to that part of the noble Lord's speech which was meant as a reply to a speech which I delivered about ten days since. All the noble Lord's ponderous levities might have been discharged then. The noble Lord was in the House when I spoke. He was in his place when I arraigned his foreign policy. It was not half-past one o'clock.—[It was half-past one when Lord Palmerston finished his speech.]—He had no excuse for his silence in the lateness of the hour, for I concluded my speech at twelve o'clock on that night, and yet the noble Lord has found it necessary, after ten days' deliberation, to reply to my speech at about an hour and a quarter after the hour at which I finished. The noble Lord has referred to a declaration which I then made, and which I will repeat in his presence. Why did I make that declaration? Because the town was full of reports, "on the highest authority," that Ministers were going to resign. We were told the very day on which the fatal event was to take place, and I did mean to say, what I now believe, that the Government, seeing the embarrassments in which they were involved in their domestic and foreign policy, would be but too glad to find a pretext on which they might retire; and I did, with a friendly warning, supposing that the threat of resignation might for once not be a sham or fallacious one, say, that if Ministers did upon a pretext release themselves from their difficulties, I thought it possible, that the energy and spirit of Englishmen might enable the country to bear up under the misfortune. The noble Lord says, that I made him responsible for the want of a government in France. I did nothing of the kind. I stated the simple facts, with respect to which I apprehend there can be no question, that at the time I was speaking, it was uncertain whether, in the three great countries of the west of Europe—namely, in England, according to your own declarations, and in France and Spain, according to public and unquestioned report, any government existed; but I did not suppose the noble Lord had influence enough to relieve the King of France from his difficulties. I did not taunt him with the failure of his influence on account of there being no government in France. What I did say was this, that one of the professed objects of the Quadruple Treaty being to cement the relations between England and France, I thought the circumstances which I adverted to afforded tolerably pregnant indications that, as far as that object was concerned, the Quadruple Alliance had not been eminently successful. I did also refer to the relations of this country with the northern powers. We have heard nothing about the case of the Vixen. The noble Lord said, that this case was of vast importance about a month since—that it was under the consideration of the law-officers of the Crown—that no one could foretel what might be the issue of it, and he has not yet told us. If, however, I may infer from the noble Lord's solemn tone, when touching on the subject, I would suppose that our relations with Russia are not of the most satisfactory nature. I did likewise refer to the position in which we stand with respect to the three great northern powers, because I bear in mind that the noble Lord, as Secretary for Foreign Affairs, did, in the course of last Session, declare to us, that three months should not pass without a British representative being at Cracow. When the noble Lord was questioned upon that point a short time since, he did not deny the statement which he made in the face of Parliament and Europe; but he said that difficulties which he had not contemplated had occurred, which difficulties I presume to be the objections made by the three powers, which are so formidable, notwithstanding the solemn engagement which the noble Lord had made in the face of Parliament, that he has been compelled or induced to recede. I also referred to the internal embarrassments of this country, to the unfortunate position of commercial affairs. I referred to the state of business in this House. I stated that, day after day, new measures were proposed, but no progress was made with them. I said, that Ministers touched every thing with a palsied hand, but settled nothing. The noble Lord congratulates himself on a comparison of the present state of affairs with their state in 1830. The noble Lord rests half the defence of his conduct on an unfortunate speech of a noble Friend of mine, Lord Ashburton, who stated his apprehension, in which I never participated, that it would require an angel, like the noble Lord, to keep Europe out of a war six months. On every occasion in which our foreign policy has been mentioned, the noble Lord has referred to the non-fulfilment of Lord Ashburton's prophecy, as if it were his sole title to diplomatic distinction. The noble Lord has, indeed, another. Compare, says the noble Lord, the state of Belgium in 1830, when the Duke of Wellington left office, with its state at the present moment. To be sure, this would be a very convenient thing for the noble Lord to do. A revolution had broken out in Belgium, the consequence of the revolution of July, in France, about three weeks or a month, I believe, before we abandoned office in consequence of an adverse vote of the House of Commons. If the noble Lord is compelled to make it a matter of triumph that, at the expiration of six years, Belgium is more settled and quiet than it was at the end of three weeks from the breaking out of the revolution, his topics of self-gratulation must indeed be very limited. Then, says the noble Lord, look to Portugal; you absolutely contemplated the recognition of Don Miguel. Why this enormity of contemplating the recognition of Don Miguel was actually shared by Lord Althorp, the leader of the House of Commons, with whom the noble Lord held office and acted. I heard Lord Althorp declare, with more wisdom than the noble Lord exhibits, that the personal character of Sovereigns, either claiming the Throne by legitimate succession, or establishing their right to it by the popular choice, was not a point which should be taken into consideration; but that wherever we found a king *de facto*, we ought to recognize him; and Lord Althorp went further, and distinctly declared that, in his opinion, the time was come when Don Miguel ought to be recognised. The noble Lord has found it convenient, by answering a speech delivered ten days since, to divert the attention of the House from the question before it. I will address myself solely to those considerations which properly belong to the subject under discussion, and which have made a deep impression on the mind of every man of common sense whether in or out of this House. The question, I beg leave to say, is not whether we shall maintain existing engagements with the Queen of Spain, but whether we shall give to those engagements a construction perfectly indefinite, which will impose upon us the onerous duty of forcing upon the people of Spain, by an armed intervention, a Government which for anything we know, may be against their inclination. The noble Lo d expressed his surprise that the Motion should have been brought forward at the present time. Considering that the order in Council will expire on the 10th of June next, this does not appear to me a very extraordinary time for calling the attention of the House to the policy of continuing that order. The noble Lord says, that we have never questioned the policy of his measures before. The noble Loid forgets I have on various occasions remonstrated against the policy of the Quadruple Treaty and of the order in council; but I say that if the House of Commons is prepared to sanction the policy of an indirect but armed intervention in the affairs of Spain, this is the proper time for taking the subject into consideration. The noble Lord said, he suspects that we wish to evade the obligations of the Treaty. The noble Lord has had experience of my acts and those of my friends when in office with respect to the Quadruple Treaty. What right has the noble Lord to assume that there exists any wish on our part to evade the true obligations of that treaty? I call the noble Lord himself as a witness, and ask the House to decide whether it may not be perfectly consistent to doubt the policy of employing the marines on a strictly military expedition—to doubt the policy of revoking an Act of Parliament by an Order in Council in order to permit British subjects to volunteer in the service of the Queen of Spain—whether it is not consistent to entertain these doubts, and yet determine rigidly to adhere, not merely to the letter, but the spirit of the treaty? On the 24th of June, 1835, the noble Lord, speaking of the manner in which the Duke of Wellington had acted upon the treaty, said, "All that I have seen in the records of the office over which I preside, as to the manner in which the noble Duke acted in execution of the Quadruple Treaty, has only tended to convince me more that the noble Duke has the interests of Spain at heart; because those documents show me that the noble Duke has acted with the strictest good faith, sincerity, and honour, in the execution of the treaty, whatever may be his opinion of the policy in which it originated."* The Duke of Wellington did not advise the issuing of an Order in Council to permit a direct military intervention in the internal affairs of Spain. The noble Lord admitted, that the noble Duke acted with the strictest good faith, sincerity and honour in the execution of the treaty; it is rather too much, then, to assume that he who disapproves of the Order in Council must therefore be inclined to evade the stipulations of the treaty. If the maintenance of the Order in Council is an essential obligation of the treaty, how comes it that General Evans has publicly declared that he shall be in London on the 10th of June next at farthest, because the existing engagement with Spain of the British legion will have expired before that time. I always doubted the original policy of the treaty. I believe that the safe principle for this country to adhere to is that of non-interference in the internal affairs of other countries, unless some great and overwhelming necessity should establish and justify an exception; but the treaty having been signed, there cannot be a question, whoever may constitute the Government, that it must be adhered to. I, however, trust that this House will pause before it sanctions an indefinite extension of that treaty. I hope that we shall pause before we allow ourselves to be betrayed, step by step, into becoming principals in a contest in which we are now auxiliaries, and being left with no resource but that of sending an overwhelming military force in the pay, and under the colours of England, for the purpose of bringing to some settlement a contest which, I believe, we have fomented by our improper interference. The noble Lord now claims the right of employing the marines in a military interference, though he originally boasted that the treaty pledged us only to furnish military stores to the Queen of Spain, and to afford her, if necessary, the aid of naval co-operation. I perfectly admit, that these are acts of a belligerent character—as much so as it would be to send 10,000 soldiers in the pay of England to Spain. The result of the two acts, however, though of an equally hostile character, would be perfectly different. The furnishing of military stores does not, in the slightest degree mix us up in the civil war. Naval co-operation also, though it has a greater tendency to involve us in the contest, is free from the objections to which direct military intervention is liable. Formerly the noble Lord boasted, that in consequence of our assistance being cautiously limited to naval co-operation, there was no chance of our being involved in the civil contest; but now what says the noble Lord? Why, that we have engaged to give naval co-operation, and it is necessary in fulfilment of that promise to employ a marine force on shore. He says we must look through all the records describing the manner in which our marines have co-operated with our own land forces—we must see how far they have marched into the interior of countries, and give the Queen of Spain the benefit of the precedents. This is involving us to a serious extent. The hon. Secretary for the Admiralty travelled back to the attack on Washington, and the noble Lord referred to the case of Gibraltar in which 1,800 marines were employed, for the purpose of justifying the manner in which the marines have been engaged in Spain. If it be true that Spain has a right to require from us, for the purchase of naval co-operation, the assistance of a military force, we have contracted an engagement which is indefinite. What limits has it? The noble Lord has begun with a marine force which is not required for the service of the fleet—he has taken a battalion of marines from their own service at Woolwich, and supplied their place with a battalion of the Foot Guards—that is what the noble Lord calls naval co-operation!—removing the marines from their usual occupation in their own country, and supplying their place by troops of the line. The noble Lord said, on a former occasion, that there was a vast difference between allowing British subjects to enlist in the service of the Queen of Spain, and placing at her disposal a military force in the pay of Great Britain. It is necessary to refer to the past declarations of the noble Lord, for the purpose of establishing, to the conviction of the House, that we are gradually becoming principals in the contest. In June, 1835, the noble Lord, speaking in reply to my noble Friend (Lord Mahon), who had condemned the policy of his measures towards Spain, said, "He confounds the measure now under consideration,—namely, the permission accorded to English subjects to enter into the service of the Queen of Spain, with a measure perfectly distinct in its nature—the sending into Spain of armies under generals obeying foreign sovereigns and receiving foreign pay, and therefore not under the orders, and not at the disposal, of the government of Spain. No English army has been sent as an English army; permission has been simply given to British subjects to enrol themselves in the service of the Queen of Spain; and the dignity of the crown of Spain is in no wise wounded by such a measure. A force such as this, and a foreign army, are so palpably distinct, that I wonder how any man can confound them." * I should wish to be apprised of the exact distinction between a battalion of marines and a battalion of infantry; and its bearings on this part of the noble Lord's argument. If we employ a battalion of 400 marines, not merely to defend the coast batteries of Spain, but to facilitate the operations of a force about to defend the wing of an army of 13,000 men,—if you may do this, and that act is vindicated by the presence of a British naval officer, who has left his ship for the express purpose,—tell me, in the first place, is not the Queen of Spain's dignity as much offended as it could be by the employment of a whole battalion of regular infantry? She will not be offended by your permitting British subjects to enlist, because they are her soldiers. But suppose the Spanish troops should say they will not be led by foreign soldiers, why, what an answer were it to say, "it is true these operations are not led by any part of the infantry of Great Britain, but they are conducted by the royal marines!"

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* Hansard (third series) vol. xxviii. p. 1145.

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* Hansard (third series) vol. xxviii. p. 1147.

Besides, if it be politic so to employ the royal marines in any greater number than would be actually required for the naval purposes of the service, why not employ a larger force at once? Why limit it to 400? Why not increase it to 1,200, for example? When you have once violated your own favourite principle of non-intervention, why do you hesitate to employ that description of force which may best answer those purposes on the strength of which you have violated that principle. So much for the marines. I come now to the Legion. As for the Legion, no one, I apprehend, will now contend that its employment was provided for by the stipulations of the treaty. I think I have shown by the compliment the noble Lord has paid to my noble Friend, and by the declaration of General Evans, that whatever may be the case of the Marines, we may discuss that of the Legion unembarrassed by the same considerations in connexion with the treaty. The question now comes to this;—whether, after an experiment of two years of the British Legion in Spain, it would be wise in us to sanction its continuance; or whether the time has arrived at which the interests of this country and of Spain require its withdrawal? In the course of his speech, the noble Lord made some important remarks, which seemed to me to lead to the inference, that he thought it would be politic and wise to withdraw it. He said—(or this, at least, was the effect of his words)—" You blame General Evans, but you do not sufficiently estimate the difficulties with which he has had to contend." Neither on this, nor on any former occasion, have I said a word against General Evans. I appreciate the difficulties of his position; I admit his bravery; and if he have failed, I greatly doubt whether his failure has not arisen from difficulties which were inherent in the service in which he was engaged. If this be the case, it is no reflection upon General Evans to have advised the withdrawal of the Legion. " You underrate his extreme difficulties," says the noble Lord. " Why, Sir, the greater the difficulties he had to contend against, the more cogent the argument in favour of departing from the policy of the noble Lord, and of withdrawing the Legion." The noble Lord talked of the embarrassment which must attend the command of 9,000 or 10,000 disorganised men, strangers to one another, and imperfectly disciplined. " You expect him," said the noble Lord, " to do with them just as much as he would do with a very different description of force." Sir, I have expected no such thing. Certainly, nothing could be expected from such troops but that which has occurred. But I should have thought that those who suspended the order in council would have found out, or anticipated, the extreme difficulty of controlling such a body of men, so constituted, and under such circumstances. The noble Lord then says, " You complain of the military cruelties practised in the Legion;" and he shows how much more cruel are the Spaniards: he quite exults in this charge against them. " Of all the people on earth," said the noble Lord, "there are none so cruel and bloodthirsty as the Spaniards. They are remarkable for their appetite for blood." If this be so—if the Spaniards be really the bloodthirsty people described by the noble Lord, that may be a very good reason, in the policy which he appears to be bent on pursuing, for establishing a British force among them to learn the dreadful lesson of cruelty, and to justify the spirit of sanguinary retaliation. But if the Spaniards, be a people of this character—if for ages past, their internal strifes have deluged the soil with their blood;—if these dreadful imputations be true, that supplies a good reason for withdrawing the subjects of the King from this revolting warfare, seeing that the consequence of sending them to engage in a cause supported by such soldiers must be to habituate them to the sanguinary atrocities which disgrace this contest, and to which they may plead that they are compelled to resort in self-defence. We are told that there must be something of retaliation in these cases: and the hon. and learned Gentleman opposite says—" Don't you see that you cannot compel your men to bear with these cruelties which are practised by their antagonists; and does there not arise a grave doubt whether or not, after all, the best way to deal with the latter is to retaliate? You cannot permit our men to be murdered in cold blood without retaliation." All these dreadful things are, no doubt, true; but all of them, assuredly, suggest a powerful argument against the continuance of a contest which renders it necessary to justify and palliate such crimes in a service which has enlisted British soldiers in its ranks. The hon. and learned Gentleman, admitting that the Spanish government had shown the utmost neglect of the British troops—that they had provided for them no hospital, and no convenience or comfort—went on to say, "that, from the very nature of this service, it was impossible that any stipulation for such a provision could be made." So that there was no difficulty as to permitting the enlistment of the Legion; you were bound to send these 10,000 men to Spain, but the *dicta* of Puffendorf did not justify any attempt, on your part, to insist on their being provided for there. That claim you could not have supported. So delicate is the hon. and learned Gentleman about the exact limits of intervention with a foreign power. Now, to be sure, for the same Gentleman who offered no objection to the species of intervention which was exercised by 400 of our marines, occupying a position in which they were to cover one of the wings of a military force, in movement; to find all this difficulty as to stipulating, beforehand, to have these poor men fed regularly, and to be allowed stables, at least, to lodge in,—does imply a degree of fastidious delicacy which I should think can exist no where but in the profession of the civil law. One most important topic the noble Lord opposite, in his anxiety to approach the speech which I delivered ten days ago, has omitted, altogether, to touch upon: and that topic involves no less important matter than the result of his own policy with respect to the contest in Spain. I doubted the policy of the original treaty; but the noble Lord has, himself, admitted that, when in office, I faithfully executed it; and I am still prepared to support the noble Lord in the same faithful execution of it. Whatever comes within the fair definition of naval co-operation—whatever can come fairly under the description of "naval assistance"—ought I conceive, to be afforded to Spain. From that engagement, I distinctly repeat, I am not at all disposed to recede; but the distinction I draw is this:—that there still is a very material difference between the stipulated supply of military stores, and the grant of naval aid,—and the commencement of that system of direct military interference, which, beginning at the coast with battalions of marines, proceeds seven miles into the country, and might, with equal consistency, and in order to be effectual, be kept extending from the confines until it should reach the very centre of Spain, where it might terminate in the substitution of one dynasty for another. I deprecate the extension of the principle of intervention in the domestic affairs of other countries; and I contend that you,—the Government,—have, by pursuing this course of policy, already abandoned the principles on which the great authorities of your own party profess to act—principles which I repeat were thrown aside the moment you undertook, not the expulsion of a hostile prince from a particular kingdom (for that would have been a definite and legitimate object), but the moment you undertook the establishment of a government in that country, and its defence by foreign force. This was the commencement of a system, the limits or termination of which it is difficult to conceive, and which violates principles that, in international law, have hitherto been held and acknowledged to be supreme. What was the principle laid down by Mr. Fox, at the commencement of the French war, although there then existed separate and distinct grounds of intervention, as on the part of this country with France? Mr. Fox did not deny, that there existed grounds for war after previous protest; but suspecting that one of the main causes for the war was the dissatisfaction which prevailed here with respect to the internal state of France, and a desire to dictate what would be a proper form of future government tothe peopl of that country, he moved the following resolution:—

> "That it is not for the honour or interest of Great Britain to make war with France on account of the internal circumstances of that country, for the purpose of punishing individuals there professing principles, however pernicious their tendency, or for the establishment among the French people of any particular form of government."

It may be said, that Mr. Fox was jealous of interference with a government which was founded on principles of liberty, but that it is possible he might have connived at an interference intended to destroy a despotic form of government. No such thing. Mr. Fox's principle was universal; it was by him extended equally to popular and to despotic forms of government:—he remonstrated against any interference for extending, by the sword, the principles of liberty; and, in the debate which preceded the resolution to which I have called the attention of the House, Mr. Fox expressly stated that—

> "He trusted he should soon see this war as generally execrated as it was now thought to be popular. He knew he should be represented as holding up the internal government of France as an object of imitation. He thought

it anything but an object of imitation; but he maintained, as a principle inviolable, that the government of every independent state was to be settled by those who were to live under it, and not by foreign force."

Now, Sir, observe how Mr. Fox applied his principle to the case to which I have just adverted. He said—

> "The conduct of the French in the Netherlands was the same. It was a war of pikes and bayonets against opinions;—it was the tyranny of giving liberty by compulsion;—it was an attempt to introduce a system among a people by force, which the more it was forced upon them the more they abhorred."

The same principle of non-interference in the internal affairs of other countries—unless you have for such interference, some manifest justification on the ground of necessity, or otherwise—was broadly laid down by my lamented Friend, the late Marquess of Londonderry. When the allied powers met at Verona, an intervention with the affairs of Spain was proposed; and here I would entreat the attention of the House to the language of the late Lord Londonderry, as to the policy of such intervention on the part of England. My late noble Friend remonstrated against it, and said—

> "Fearful as is the example which is furnished by Spain of an army in revolt, and a monarch swearing to a constitution which contains in its frame hardly the semblance of a monarchy, there is no ground for apprehension that Europe is likely to be speedily endangered by Spanish arms. It never was, however, intended as an union for the government of the world, or for the superintendence of the internal affairs of other states. . . . We shall be found in our place when actual danger menaces the system of Europe; but this country cannot and will not, act upon abstract and speculation principles of precaution."

Now, the whole justification of the course of policy pursued by the noble Lord consists in this, that certain despotic principles are identified with Don Carlos. He maintains that England has an interest in opposing those despotic principles, and, therefore that our present interference with Spain is justified. That is his plea. But that is the plea by which intervention in all cases, and at all times, past and present, has been, and will continue to be justified—a plea which has been in all times repudiated, rejected by all the leading men in the councils of this country, whatever shade of politics they professed. All these authorities have concurred in saying, that unless some circumstances of vicinage—of danger to the neighbouring country, and of paramount necessity—exist to justify interference, the general rule ought to be adhered to. The instructions of my noble Friend the late Marquess of Londonderry to the Duke of Wellington with reference to Spain were these:—

> "With respect to Spain there seems nothing to add to, or vary, in the course of policy hitherto pursued; solicitude for the safety of the Royal Family, observance of our engagements with Portugal, and a rigid abstinence from any interference in the internal affairs of that country, must be considered as forming the basis of his Majesty's policy."

I want to show you, by quoting from this paper, that the general rule, the opinions and practice, of my noble Friend, were in exact conformity with those of Mr. Fox. In 1823, when France determined to interfere with Spain, she made use of the same arguments now advanced by his Majesty's Ministers. The noble Lord now stands in the same position that France did at that period: the noble Lord, it would seem, has searched through the despatches of Chateaubriand for grounds to justify his policy, and for a case now to force France to interfere; and thus it is urged, on the present occasion, that as a despotic principle is mixed up in the affair, it is proper to supplant it by force. But what said Mr. Canning on the subject of the course pursued by France in 1823? Mr. Canning, having remonstrated and done all he could against that unprincipled intervention as to Spain, said—

> "No proof was produced to his Majesty's plenipotentiary of the existence of any design on the part of the Spanish government to invade the territory of France—of any attempt to introduce disaffection among her soldiery, or of any project to undermine her political institutions; and so long as the struggles and disturbances of Spain should be confined within the circle of her own territory, they could not be admitted by the British Government to afford any plea for foreign interference. If the end of the last, and beginning of the present, century saw all Europe combined against France, it was not on account of the internal changes which France thought necessary for her own political and civil reformation, but because she attempted to propagate, first, her principles, and afterwards her dominion, by the sword."

At the present moment, the struggles and disturbances of Spain are confined within her own territory. France says, "True it is, that this is a civil contest among the Spanish people; but still these principles are so disgraceful, that we must march armies to suppress them." What argument in this circumstance do you not supply us with? True it is, it seems, that these hostilities are confined within the Spanish territory. But, first of all, we must employ a military force—then our marines. And thus, by slow but inevitable degrees, you creep on till you produce a combustion that will extend throughout Europe, which no man can foresee the end of, or devise the means of extinguishing. Sir, I think Mr. Fox was clearly right in holding that it is equally unjust to impose upon a people a popular form of government, as it is to inflict upon them a despotism, by the bayonet. What, I beg to ask, is to be the limitation attached to this principle? Our excuse and our consolation may be, that we have so contrived matters as to make intervention ridiculous. But what I fear is, that other governments may follow the example—I mean, in the violation of the principle which has thus been laid down,—and may act a more open, direct, and intelligible part, in bringing that violation in aid of the execution of their own designs. They, probably, are not now meditating such a part; but does that consideration diminish the danger of such a contingency? Yet, granting even that the apprehensions of the noble Lord were well founded, and that some necessity did exist for marching troops into Spain to suppress a principle which, for the sake of the argument, I will suppose to be dangerous to this country; I would ask the abettors of our policy, whether it has been successful in suppressing those principles? As hon. Members opposite are fond of comparing positions, perhaps they will allow me to ask them what they conceive the position of Don Carlos to be now, compared with what it was when this policy of intervention was first brought into action? I now take up a separate branch of the subject. Let us even admit, in the way of argument, that, on account of vicinage, or some other danger, interference, on the part of Great Britain, by force, was justifiable; still, I contend, that it has been inefficient, that it has done no good, but, on the contrary, that it has encumbered those whom the noble Lord intended to assist, and it has aided the party which it was designed and intended to demolish and destroy. If I can prove this, I shall have offered a conclusive reason in favour of the adoption of another course. His Majesty's Government profess to be the sworn enemies of Don Carlos, but I doubt much whether the greatest friend of Don Carlos could have done so much for him as the Foreign Secretary of England has accomplished. The noble Lord

"Does good by stealth, and blush to find it fame."

What was the position of Don Carlos in 1834, when you succeeded in effecting his expulsion from Portugal? You thought so little of the danger, that you brought him to this country, without any stipulation being required from him for his future conduct. Thus he was permitted to leave, and the Government could hardly believe their senses, when they found that Don Carlos had passed through France, and was again in Spain; and then, but not till then, were articles prepared to carry out the original intention,—namely, his expulsion from Spain. When Don Carlos had been expelled from Portugal, the boast of General Rodil was, that (Don Carlos) and his family had not been able to escape with even a change of linen. Don Carlos, however, after coming to this country, contrived to get again to Spain. What did the noble Lord opposite tell us? He laughed at those who entertained the notion that it might be necessary for the British Legion to remain, at least, two years in that country. It is said that, supported only by 10,000 or 12,000 men, in a state of no discipline at all, in three or four provinces, it would be ridiculous to suppose it possible for Don Carlos to keep his ground against the forces raised against him. The House has been told, that the struggle is a mere mountain insurrection, and that the first appearance of the Legion would be decisive. Time after time the noble Lord opposite (Lord Palmerston) has treated the House and the country to prophecies that the contest would speedily be at an end. Now, however, the army of Don Carlos has increased from 10,000 to about 31,000 disciplined troops, as they have been designated; and yet the noble Lord informs the House that Don Carlos was never in so hopeless a state as at the present moment. If so, then, why continue the British Legion? The noble Lord also stated, formerly, that though it was quite true, that Don Carlos had had some favour shown him in the Basque provinces, all the other provinces and great towns in Spain were against him. But now the noble Lord tells you that even these Basque provinces are all against him, and that hitherto they have been the victims of other designing persons. I took the words down; I was my own reporter. It was also stated by the noble Lord, that Moreno was not a Carlist; and is it not extraordinary that, under all these circumstances, it should be thought necessary by the noble Lord on account of a person in Don Carlos's position,—opposed by all Spaniards but the Basques, and not universally supported even by them,—to continue the British Legion, and the system of intervention? How happens this? Is our intervention so wholly fruitless that Don Carlos has actually gained weight and strength, just in proportion as that interference has been extended? If so, surely the Government, as enemies of Don Carlos, had better try another and a different system of policy. Or is the intervention by foreign arms to be continued merely for the purpose of exciting jealousy in the breasts of the Spanish people? Will the House permit me to read a high authority as to the probability of such a result? This authority consists in the advice given by my noble Friend, the Duke of Wellington, to France. When that country was about to endeavour to force a similar state of things to the present, the advice of my noble Friend was as follows:—

> "His Grace does not hesitate, upon his intimate experience of Spanish affairs, to pronounce that the Spanish nation is, of all the European people, that which will least brook any interference from abroad; he states the many instances in which, during the last war, this distinguished trait of national character rendered them obstinately blind to the most pressing considerations of public safety; he states the imminent danger in which the suspicion of foreign interference, and more especially of interference on the part of France, is likely to involve the King; and he further describes the difficulties which would oppose themselves to any military operation in Spain, undertaken for the purpose of reducing, by force, the nation to submit themselves to an order of things to be either suggested or prescribed to them from without."

The noble Lord said, that if the Spanish government had shown half the energy and activity which have been exhibited by General Evans, the war would long since have been brought to an end. But what is the cause of the inactivity of the Spanish generals? It may have arisen either from the reliance placed by a nation like Spain on the aid of an ally, when that ally began to interfere; or from a jealousy of that interference, founded on the fear that a powerful nation like ours might reap the fruits of victories gained in their cause, and that to us, not to them, would be the triumph of establishing among them a free constitution. If either of these be the causes of inactivity and apathy on the part of the Spanish generals, it is clear that you, by your intervention, have obstructed the successful termination of this contest, and have prevented the satisfactory establishment of constitutional liberty in Spain when this contest shall have come to a close. I firmly believe, therefore, whilst I would adhere with the most perfect good faith to every obligation of the treaty, whilst I would give to Spain the assistance of a more effective naval force, if it could be supplied, I should yet shrink from the extension of the treaty beyond its legitimate object—I should rigorously resist the commencement of a system which would bring his Majesty's troops, marine or infantry, into direct collision with the inhabitants of Spain. I repeat, that I should draw the broadest practical distinction between the supply of warlike stores, and actual military co-operation: It is on these grounds that I shall support the resolution proposed by my right hon. and gallant Friend; and I do hope that those hon. Gentlemen who are averse to the extension of the ravages of war, will well consider what the effect must be, if they lend the sanction of their high authority to the extension of such evils. Men of different political opinions, in respect of the main question only, will, on this occasion, combine in support of the resolution of my right hon. and gallant Friend. Those who think that where a great country like England intervenes, she ought to employ a military force immediately under her own orders and control, in her own pay, and responsible to her own Government, may protest against the continuance of the British Legion;—those who think, with the highest military authority in England, that the cause of liberty in Spain will never be promoted by foreign military interference—may agree to the resolution of my right hon. and gallant Friend. Those who concur with the highest military authority in France, Marshal Soult, in deprecating the employment of an ill-disciplined army, not subject to the military rules of their own country, may equally concur in this resolution. Those who take higher views, and who think with me that the subjects of one nation are not justified in wantonly destroying the lives of another people; who think—

"That reason frowns on war's unequal gain,
Where thousands bleed to raise a single name;"

and who hold that warfare should be limited to, as it can only be justified by, cases of extreme peril, or the necessity for vindicating the national honour—may unite in support of the resolution of my right hon. and gallant Friend. Those, also, who hesitate as to the justice of this country interfering to correct political errors, and to punish the unfortunate inhabitants of the Basque provinces for their fidelity, which all of us must admire—all these may combine in deprecating the continuance of this species of armed interference with the affairs of Spain, and the extension of the treaty beyond its legitimate objects. There are other powerful reasons for discouraging and terminating this warfare. There is the evils of the violation of a principle hitherto held sacred, which forbids one nation dictating to other countries what shall be the legitimate form of their Government, or the form of constitution under which they shall live. Again, the signal failure of the experiment as to the promotion of the object for which it was intended, and the probable excitation of the jealousies of the Spanish nation, and their fears lest the constitution should be unstable because it will not have been created by native hands—all these are so many considerations in favour of the resolution now before the House. Depend upon it, the public gorge is rising against the continuance of this system. The people of England see men returning without pay, in distress and destitution; visible appeals to the sympathies of their countrymen—appeals much more powerful than any argument that could be offered, and calculated by such exhibitions to raise a prejudice against the cause by which they have been left in that helpless condition. It is truly painful to see the British uniform under such melancholy circumstances as we have lately witnessed. Against these and other powerful arguments, the only appeal is to our false pride—a pride allied to shame, the supposed shame of withdrawing from or discontinuing, a system which can bring only discredit on this nation, and can terminate with no benefit to Spain. You have been told that there will be bonfires at St. Petersburg, and rejoicings in the camp of Don Carlos. Be not scared by such idle apprehensions. Better you should see the light of those bonfires, and hear the clamour of these rejoicings, than that hon. Members should be appalled by the upbraiding of their own consciences for having promoted a warfare, the justice of which is subject to much doubt, and of which the ultimate success has been already proved by experiment to be in the last degree problematical.

Lord *John Russell:* Sir, at this late hour of the morning I shall not detain the House for more than a very few minutes; but I cannot omit adverting to a question which has been several times asked in the course of this debate, but which does not appear to me to have been answered in any explanation which the right hon. Gentleman has attempted to give upon one part of the question under discussion. I mean, Sir, the question why it is that this particular time should have been selected? Yes, Sir, I repeat, why is it that this particular time should have been selected for this discussion? Why was it not brought forward at an earlier period of the Session? It was known that the night before Christmas-day an action had been fought at Bilboa; and that action furnished hon. Members opposite with precisely the same arguments, because it was attended with the same circumstances as the cases which they have relied upon in this debate. The English marines took a part in that action, and the part they took was against the Basques—fighting, as the right hon. Baronet contends, for their liberties. Be that as it may, certain it is, that our seamen were engaged, assisting with our boats, manning batteries, working guns, and performing all the necessary operations of a war. The Parliament assembled on the 31st of January, and the Speech from the Throne, with which it was opened, after expressing his Majesty's regret at the continuance of the civil war in Spain, spoke of the events which were going on at Bilboa. The passage was this;—"His Majesty has continued to afford to the Queen of Spain that aid, which, by the treaty of Quadruple Alliance of 1834, his Majesty engaged to give if it should become necessary; and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty." Sir, there was scarcely a debate upon these words, although we conceived very naturally that they were the very strongest words we could have introduced into the speech; and we introduced them for the purpose of eliciting a discussion upon this very subject. Yet no discussion took place. There was scarcely any dissent expressed. The House adjourned before eight o'clock, and we did not then hear anything of these tremendous evils; and it was not, I am sorry to say, until this failure—until this reverse in the arms of the Legion—afforded the proper opportunity, that the right hon. Gentleman thought fit to bring forward the question, in a manner and, with reference to the circumstances under which he moved his amendment on the original motion, in a spirit, never known before. I do confess, Sir, that I very much lament the course that the right hon. Gentleman has deemed it proper to pursue. I think the right hon. Gentleman would have acted with more fairness, not to say with his wonted generosity, had he brought forward his question at a moment, as he might have done, when these troops had won honour, and not suffered a disaster. Sir, we shall decide this question upon its general policy; and I am sure that, even from the details that have been offered to the House, they will not be disposed to think that English pride has been in any degree hurt, or that a brand has been put on the forehead of our national character. But the question is now brought forward because, as the right hon. Baronet may tell me, very likely, there may be a new combination of all parties to support it; that some may support it through dislike of Don Carlos, some through a hatred of despotism, some through a love of the Basque privileges, some from their political delicacy, some from a fear of wounding the Castilian pride, and others because this cause may not be successful. I deeply lament, for my part, that a question of this sort should be thus brought forward, seriously affecting, as it does, the honour of individuals who are not present to vindicate themselves; and still more sorry that, for the purpose of taking advantage of this imaginary combination, the disaster of the British Legion should be laid as the foundation of a party triumph. The right hon. and gallant Officer who brought forward this motion laid down certain grounds, upon which he chiefly dwelt, as facts discreditable to the character of the Legion. But I think that the right hon. and gallant Gentleman felt afterwards, when the question was argued by those who followed him, that there was some want of generosity in the severe reflections which in this instance he indulged in. I must be allowed to observe, that he has subsequently entered into five or six different explanations; but each time, as it seems to me, he successively took away a brick from his original edifice. At one time he did not mean to impeach the character of General Evans; he said he respected the character of General Evans—he bore testimony to his merits—to him he did not attribute any blame: at another time he did not assail the bravery of the men; in fact, Sir, the right hon. and gallant Gentleman, at last, altogether deprived himself of those grounds upon which he originally rested respecting the misconduct of the Legion—a misconduct which, at first, he had represented as so flagrant, that it was necessary for this House to interpose, in order that an eternal stigma might not be fixed on the character of British soldiers. I think, after all, that the right hon. and gallant Member has been exceedingly unfortunate; for he was finally driven to rest upon the sole testimony of Major Richardson, whose authority an hon. and gallant Member opposite was last night cruel enough utterly to demolish. Allow me, Sir, to say one word with respect to what has been dwelt upon at so much length—the impolicy and the injustice of imposing a constitution, or a particular form of government, upon any foreign nation. I entirely agree, Sir, with the maxim that has been laid down. But I think, after all that has been said of he efficiency of the Legion and of our naval co-operation, it is rather too much to talk of forcing a constitution upon such a country as Spain, by the aid of a body of raw recruits, and this handful of marines who marched, at any time, scarcely three miles from the shore. The present case is one by no means very unusual in the history of Europe. In the first "Quadruple Treaty," there was introduced a stipulation that aid and assistance should be rendered by us to a friendly government, then engaged in a civil contest, wherein it was thought that the interests of this nation were ultimately concerned. Amongst the cases adverted to by my noble Friend, in his very powerful and promising speech, to justify the giving this sort of aid and assistance as proffered under the Quadruple Treaty now in question, let me refer to the conduct of our Whig ancestors in 1688. An hon. and learned Gentleman opposite says, that though the Revolution was effected by the people of England, it is unjust to impose, by force, a new government upon a country contrary to the wishes and inclinations of its people. No doubt of it. In that general proposition I fully agree; but I ask that hon. and and learned Member—I ask any Member of this House—to read the invitation which was sent to the Prince of Orange, signed by Shrewsbury, Lord Danby, Lord Dorset, Admiral Russell, and Mr. Sydney, and which stated the grounds on which they asked him to come. After setting forth the grievances and disaffection of the country, they go on to say, that if they should move, and there be no force to support them, they shall be oppressed and overwhelmed; and they ask the Prince of Orange to come with a considerable force, to give them assistance. Yes, they wrote to the Stadtholder of Holland to come over and to bring arms and engineers. "We need not," they write, "say any thing about ammunition, military stores, &c.—but bring some good engineers with you." Were these English engineers? No, they were Dutch engineers, and Dutch artillery, to effect the Revolution of 1688. And had they any scruple—those great authors of that Parliamentary revolution, under the establishment confirmed by which we are, at this moment, acting—had they any scruple to employ foreign arms in their just cause? Not at all. But there was a curious circumstance, which I may well mention here, as connected with the establishment of the House of Hanover, namely:—that in the rebellion in Scotland a body of Dutch troops was sent over to England, under the Barrier Treaty, and marched to Edinburgh to oppose the Scotch rebels. Now, I ask, Sir, is it so clear that the principles of our ancestors have been, that no foreign assistance should be allowed in the internal disputes of a country? But there is a great difference between imposing a government on a country, by sending an army there for that purpose, which is to occupy the capital and the country, or the capital at all events—and giving assistance to a government, or the great majority of a nation who wish to establish a particular form of government, but require, in order to effect that object, the aid and co-operation of another state, having itself an interest in seeing the establishment of that particular form of government. So far, therefore, I say, we have been justified in giving assistance to Spain. I will not go at large into this question, the details of which have been so very ably discussed by my noble Friend, the Foreign Secretary. But I must take some notice of the speech delivered by the right hon. Baronet the other night. That right hon. Gentleman (Sir Robert Peel) was pleased to speak of the difficulties of our foreign policy; and he stated those, among the other reasons, on account of which he conceived that the Ministry must be so embarrassed as to make it impossible they should face them, and that they would be forced, in despair, to abandon the helm of the vessel of the State. Whatever may be the course of the present Government, whether they shall remain in office, or quit office, in either case they would have the satisfaction of thinking that the present state of affairs is greatly more advantageous to the country than it was when the right hon. Gentleman left office. To advert to merely one point of our foreign affairs: the right hon. Baronet says, that it was only three weeks before his resignation of the Government, that the Belgian revolution broke out; but does the right hon. Baronet forget that during those three weeks his Government advised his Majesty to put into the Speech a sentiment approving of the conduct of the King of Holland, whom it styled "the enlightened King of the Netherlands," thus pointing him out as one who ought to be supported, and indicating that, if not the physical, at least all the moral, support of our Government was given to that Sovereign? I do not mean to adopt the observation of Lord Ashburton, though I have considerable respect for the sagacity of that noble Lord, and cannot think it is so easily to be put aside, or treated so lightly, as the right hon. Baronet seems to suppose; but I do think, Sir, that if that course had been adopted, it would have had the most unwise and unfortunate result of eventually leading to a general war. We had before our eyes the recent revolution of France. We knew that there existed in that country old associations of conquest connected with Belgium—old prejudices for the talked-of extension of the Belgian boundary to the Rhine—and had you succeeded in establishing the King of Holland, you would have seen a war in Europe, and probably you would not have seen an independent kingdom, after all, established in Belgium. I need not, Sir, go into our domestic affairs, though there is one which I may mention, as I have no doubt it will be considered by the right hon. Baronet himself an important one, as he has reminded me of it. He mentioned that a battalion of foot guards went down to Woolwich—that they were obliged to be sent down—in order to replace the marines. Now, allow me, Sir, to explain. My noble Friend having mentioned to me that there might be a deficiency of soldiers in England, I wrote to the Lord-lieutenant of Ireland, desiring that he would consult with the Commander of the Forces in that country, to know whether any soldiers could be spared from our force in that country. I received a reply, to the effect that the Lord-lieutenant had consulted the Commander of the Forces, who informed him that two regiments of infantry and one of cavalry might very well be spared. That, I believe, was not exactly the case in 1830. I leave it to the future Ministers, of whom the right hon. Baronet seems to be the representative, to try whether they can remove troops from Ireland; relying, as I doubt not they will, upon the increased confidence and attachment of the people, and the tranquillity of that country, after their refusal to them of municipal institutions. With respect to other matters of difficulty adverted to by the right hon. Baronet, the Government has about as much to do with them as they have to do with the nonformation of the French ministry, of which they are also accused. There is some commercial embarrassment; one of those revolutions in trade which a Government can neither produce nor alter. But there is not, thank God! now prevailing that species of discontent, during the prevalence of which every mail brought accounts of fresh fires, fresh burnings, and fresh excesses. There is not now prevailing that discontent in the metropolis which would prevent his Majesty, if it pleased him to go to Guildhall, to do so with the most perfect safety!

Sir *Stratford Canning* rose amidst loud cries of "Divide," and "Spoke." He said, that if it had been his own character only that had been attacked, he should not obstruct the division, but wait a more convenient opportunity. In the remarks, however, which the noble Lord had addressed to him, a public principle of government of some importance was involved [Cries of "Spoke," and "Chair."] He was aware that it was the duty of persons who filled the confidential situation of ambassador, not to divulge the instructions they had received; but the noble Lord had raised a feeling of momentary impatience, if not something stronger; and he had alluded to his instructions, but he denied that he had proclaimed their meaning or general bearings.

The House divided on the original motion for going into committee of supply: Ayes 278; Noes 242:—Majority 36.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Angerstein, John
Anson, Colonel
Anson, Sir George
Astley, Sir Jacob, bt.
Attwood, T.
Bagshaw, John
Baines, E.
Ball, N.
Bannerman, Alex.
Barclay, David
Baring, F. T.
Barnard, E. G.
Barron, H.
Barry, G. S.
Beauclerk, Major
Belfast, Earl of
Bellew, Rich. M.
Bellew, Sir P.
Bennett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. C. C.
Bernal, R.
Bewes, T.
Biddulph, Robert
Blake, M. J.
Blunt, Sir C.
Bodkin, J.
Bowes, John
Brady, Denis C.
Bridgeman, Hewitt
Brocklehurst, J.
Brodie, William B.
Brotherton, J.
Browne, R. D.
Buller, Charles
Buller, E.
Bulwer, H. L.
Bulwer, Edw. L.
Burdon, W.
Buxton, T. F.
Byng, George
Byng, G. S.
Callaghan, D.
Campbell, W. F.
Carter, B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chetwynd, Captain
Chichester, J. P. B.
Clay, William
Clayton, Sir W.
Clements, Viscount
Codrington, Sir E.
Colborne, N. W. R.
Collier, John
Collins, W.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Curteis, H. B.
Curteis, Edward B.
Dalmeny, Lord
Dennistoun, Alex.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, Colonel
Ellice, E.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fergus, John
Ferguson, Sir R
Ferguson, Sir R A.
Fergusson, Robert
Fergusson, R. C.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, C.
Fleetwod, P. H.
Folkes, Sir W.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, Henry
Grey, Sir Geo. bt.
Grote, G.
Guest, J.
Hall, B.
Handley, H.
Harland, Wm. Chas.
Hastie, A.

Hawes, B.
Hawkins, J. H.
Hay, Sir A. L. bart.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T. T.
Holland, Edward
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, Wm.
James, W.
Jervis, John
Johnston, Andrew
King, Edward B.
Labouchere, H.
Lambton, Hedworth
Leader, J. T.
Lee, John Lee
Lefevre, Charles S.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord Arthur
Leveson, Lord
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, William
Marsland, Henry
Martin, T.
Maule, hon. F.
Methuen, P.
Milton, Viscount
Molesworth, Sir W.
Moreton, A.
Morpeth, Viscount
Morrison, J.
Mostyn, E.
Murray, rt. hon. J.
Musgrave, Sir R. bt.
Nagle, Sir R.
O'Brien, Cornelius
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
O'Ferrall, R. M.
Palmer, Gen.
Palmerston, Viscount
Parker, John
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P.
Pattison, James
Pechell, Captain R.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Pinney, William
Ponsonby, W.
Ponsonby, J.
Potter, R.
Poulter, John Sayer
Power, James
Power, John
Poyntz, W. Stephen
Pryme, George
Pryse, Pryse
Ramsbottom, John
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Roche, William
Roche, D.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, John
Russell, Lord John
Russell, Lord W.
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scott, J. W.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Smith, J. A.
Smith, Robert
Smith, R. V.
Smith, B.
Speirs, A.
Stanley, W. O.
Steuart, R.
Stewart, P. M.
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Serjeant
Thomson, C. P.
Thompson, Paul B.
Thompson, Colonel
Thornley, T.
Townley, R. G.
Tracy, Charles H.
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, Wm.
Tynte, C. J. Kemeys
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, Richard
Wallace, Robert
Warburton, H.
Ward, Henry George
Wason, R.
Westenra, hon. H. R.
Whalley, Sir S.
White, Samuel
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W.
Wyse, T.

TELLERS.

Wood, Charles
Stanley, Edward J.

List of the NOES.

Agnew, Sir A. bart.
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Viscount
Ashley, hon. H.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Bainbridge, E. T.
Balfour, T.
Baring, Francis
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Bethell, Richard
Blackburne, John I.
Blackstone, W. S.
Bolling, Wm.
Bonham, R. Francis
Bowles, G. R.
Bradshaw, James
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Buller, Sir J. B. Y.
Burrell, Sir C. M.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Castlereagh, Viscount
Chandos, Marquess
Chaplin, Colonel
Chapman, A.
Charlton, E. L.
Chichester, A.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Viscount
Compton, H. C.
Conolly, E. M.
Cooper, E.
Coote, Sir C. C.
Copeland, W. T.
Corry, hon. H. T. L.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Davenport, John
Dick, Q.
Dottin, Abel Rous
Dowdeswell, Wm.
Duffield, Thomas
Dunbar, George
Duncombe, W.
East, J. B.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Elwes, J.
Estcourt, T. G.
Estcourt, T. H.
Farrand, R.
Fector, J. M.
Feilden, William
Fielden, J.
Ferguson, G.
Finch, George
Fleming, John
Foley, Edw. Thomas
Follett, Sir W.
Forbes, Wm.
Forester, hon. G.
Forster, C. S.
Freshfield, James W.
Gaskell, J. Milnes
Geary, Sir Wm.
Gladstone, T.
Gladstone, Wm. E.
Glynne, Sir S. R.
Goodricke, Sir F.
Gordon, hon. W.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel

Greene, Thomas
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Hamilton, Geo. Alex.
Hamilton, Lord C.
Hanmer, Henry
Hanmer, Sir J.
Harcourt, G.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir Edm. S.
Henniker, Lord
Herbert, hon. Sidney
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hogg, J. W.
Hope, hon. James
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hoy, J. B.
Hughes, Hughes
Inglis, Sir R. H.
Irton, Samuel
Jermyn, Earl
Jones, Wilson
Jones, Theobald
Kearsley, J. H.
Kerrison, Sir Edward
Kirk, Peter
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. Chas. E.
Lawson, Andrew
Lees, J. F.
Lefroy, A.
Lefroy, right hon. T.
Lewis, David
Lewis, Wyndham
Lopes, Sir Ralph
Lowther, Col. H. C.
Lowther, Viscount
Lowther, J. H.
Lucas, Edward
Lushington, S.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Marsland, T.
Mathew, Captain
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, W.
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J. bt.
Neeld, Joseph
Neeld, John
Nicholl, Dr.
O'Neill, General
Ossulston, Lord
Owen, Sir John, bart.
Owen, Hugh
Packe, C W.
Palmer, Robert
Palmer, George
Parker, M.
Patten, John Wilson
Peel, Sir R. bart.
Pelham, hon. C.
Pemberton, Thomas
Penruddock, J. H.
Perceval, Colonel
Pigot, Robert
Plumptre, John P.
Polhill, Frederick
Pollen, Sir J., bart.
Pollington, Viscount
Powell, Colonel
Praed, W. M.
Price, S. G.
Pringle, A.
Rae, Sir Wm., Bart.
Reid, Sir John Rae
Richards, John
Richards, R.
Rickford, Wm.
Robinson, G. R.
Ross, Charles
Rushbrooke, Colonel
Russell, C.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scourfield, W. H.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, John
Sturt, Henry Chas.
Tennent, J. E.
Thomas, Colonel
Thompson, Ald.
Trench, Sir Fred.
Trevor, hon. A.
Trevor, hon. G.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. Thomas
Vivian, J. E.
Wall, C. B.
Walpole, Lord
Walter, John
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, Thomas
Wilbraham, hn. B. C.
Williams, Robert
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wortley, J. S.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

Paired Off.

FOR.	AGAINST.
Andover, Viscount	Peel, right hon. W. Y.
Baldwin, Dr.	Longfield, Richard
Berkeley, hon. G.	Peel, Colonel
Bish, Thomas	Somerset, Lord E.
Blackburne, I.	Smith, T. A.
Brabazon, Sir W.	Shaw, right hon. F.
Childers, J. W.	Dugdale, W. S.
Clive, E. B.	Price, Richard
Campbell, Sir J.	Pollock, Sir F.
Conyngham, Lord A.	Chisholm, A.
Crompton, S.	Barclay, Charles
Denison, J. E.	Harcourt, Granville
Fellowes, N.	Halse, James
Finn, W. F.	Stormont, Viscount
Fitzsimon, N.	Mandeville, Viscount
Gaskell, D.	Wynn, Sir W.
Gisborne, T.	Peel, Edmund
Grosvenor, Lord R.	Egerton, Wm. Tatton
Gully, John	Smyth, Sir H.
Hallyburton, D. G.	Scott, Lord J.
Jephson, C. D. O.	Jackson, Sergeant
Maxwell, J.	Bruce, Lord E.
Oswald, J.	Norreys, Lord
Oliphant, L.	Hope, Johnston
Paget, F.	Fancourt, Major
Phillips, C. M.	Borthwick, Peter
Price, Sir R.	Gore, Ormsby
Scott, Sir E. D.	Cartwright, Wm. R.
Tancred, H. W.	Sinclair, Sir G.
Tooke, Wm.	Martin, John
Vivian, Major	Hay, Sir J.
Westenra, hon. J. C.	Beresford, Sir J.

HOUSE OF LORDS,

Thursday, April 20, 1837.

MINUTES.] Petitions presented. By the Bishop of HEREFORD, Lord ROLLE, Earl AMHERST, the Earl of HARDWICKE, Lord SONDES, and Lord REDESDALE, from the Minister and others, of Whitchurch and Gnaren; from Landholders and others, of Alrington Pigotts, Woodbury, Ibsley, Fordingbridge, Steeple Morden, Fakenham, Ely, Harbridge, Bishop's Froome, Lydlinch, Hinton, St. Mary, and Manston, Tivetshall; St. Mary and St. Margaret, Norfolk; Sevenoaks, Ellingham, and Ringwood, against the Abolition of Church-rates.—By the Earl of BURLINGTON and the Duke of DEVONSHIRE, from Inhabitants of All Saints, Derby; St. Michael, Derby; and St. Peter, Derby, for the Abolition of Church-rates.

HOUSE OF LORDS,

Friday, April 21, 1837.

MINUTES.] Bills. Received the Royal Assent:—Royal Mint; Mutiny; Marine Mutiny; Scotch and Irish Vagrants.

Petitions presented. By Lord STRAFFORD, the Earl of UXBRIDGE, the Earl of ALBEMARLE, the Earl of RADNOR, and the Duke of NORFOLK, from Dissenting Congregations, Holyhead, and other places, for the Abolition of

Church-rates.—By the Bishop of LONDON, the Earl of HAREWOOD, the Earl of BROWNLOW, the Earl of BEAUCHAMP, the Earl of BRADFORD, and the Archbishop of CANTERBURY, from various places, against the Abolition of Church-rates.—By the Earl of ROSEBERRY, from the Lord Provost, Magistrates, and Council of Edinburgh, for the Irish Municipal Corporations Bill.—By the Archbishop of CANTERBURY, from the Bishop of Ossory, Ferns, and Leighlin, and from the Clergy of the united Dioceses, against the present system of Education in Ireland; and from Factory Labourers of various places, for the better regulation of Factories.

SPAIN—LORD J. HAY'S DESPATCHES.] Lord *Alvanley* said, the motion of which he had given notice, and which he was then about to make, related to certain despatches which had been received from the British naval officer on the north coast of Spain, which narrated on the one side the disaster which had befallen the British Legion, and on the other, described the great bravery which had been displayed by many of those who were engaged on this occasion. The object of his motion was, to call the attention of his noble Friend opposite, of that House, and of the country in general, to the extraordinary position in which the marine forces and the artillery, now serving in the north of Spain, were at that moment placed. Before he made the remarks which he felt it to be his duty to offer on this subject, he would take the liberty of stating his opinion on the policy which had placed those gallant men in such a position. His opinion was, that that policy was detrimental to the interests and injurious to the honour of this country. He thought that it was detrimental to the interests of this country, because he had heard, and he believed, that the wisest and most enlightened statesmen of England, men of all parties, had laid it down as a principle not to be departed from, that nothing but a paramount sense and apprehension of mischief to itself could justify one country in interfering in any way with the internal regulations and administration of another. He was of opinion, that the policy which had been pursued was injurious to the honour of this country, because the sending of his Majesty's troops without any declaration of war to oppose the inhabitants of a country which was at peace with England, to attack those who were fighting for a man whom they believed to be their rightful Sovereign—who were contending for liberties which were as dear to them as the liberties of England were to Englishmen—was most unjustifiable. The present policy of this country with reference to Spain was founded on the Quadruple Alliance which was entered into three years ago. He had always deprecated that treaty, because he looked upon it as one that encouraged the interference of England with the internal affairs of other countries. The objects of that treaty were, first, to secure the Crown of Spain to Queen Isabella; next, to remove Don Carlos from Spain; and lastly, to secure for that country a constitution of a liberal nature, a Government of a fixed description, and likewise to establish peace. Now let their Lordships examine how far these objects had been effected. In a very short time after that treaty had been signed Don Carlos left this country. He proceeded through France, and arrived safely in the Basque provinces, where he was received with open arms. His presence, indeed, produced an electrical effect. An army was instantly raised — a general movement was made—every man capable of bearing arms was enlisted in the cause. The most celebrated general of Spain, Zumalacarregui, was placed at the head of this force; and at the beginning of the war victory declared everywhere in favour of the arms of Don Carlos. His generals unquestionably out-manœuvred and out-fought the Christino generals; and he believed if this country had not despatched forces to the scene of action the city of Bilboa must have fallen into his hands. The Government of this country thought proper, in consequence of these successes, to make a military demonstration n favour of the Queen, and by an Order in Council the Foreign Enlistment Act was suspended, consequent upon which the British Legion was formed, for the purpose of supporting the Queen's cause. He believed, that at the time all the people in this country, without exception, who were acquainted with the Spanish character, prophesied that the effect of this step would be, to strengthen and consolidate the Carlist cause, and to weaken that of the opposite party, in consequence of the jealous feeling which the presence of a foreign force was likely to create. Nay, they looked upon it as very probable that the British would be betrayed. Had not those prognostications been found to be too true? For two years the Legion had been in Spain. During all that time they had suffered the most gross ill-treatment—they had very nearly been betrayed into the hands of the enemy by a Spanish general, whose name he would not mention, and their numbers had dwindled from 10,000 to about 4,000 men. Within a very short time, their spirits being broken by fatigue and privation, they had been driven back from Hernani to St. Sebastian by the very Carlists whom they were sent out to exterminate. But it was proposed to establish a fixed, a settled, and a liberal Government in the Peninsula. Looking at that point, he would ask, what had happened? Why, since the treaty had been entered into there had been six different Administrations in Spain, which was more, he believed, than the history of any portion of Europe could show in so short a time. He might mention an anecdote which bore in some degree on the question. A gentleman with whom he was acquainted was appointed to act in a diplomatic capacity in one of the states of South America, where it was necessary to give a month's notice before an ambassador could be received. He remained there for two years, but during that time no President remained sufficiently long in office to enable him to present his credentials in form. And what was the case with respect to the establishment of a firm and liberal Government in Spain? Nothing of the kind had been effected, but the Throne and the Crown had been dragged through the mud by a set of drunken soldiers. A body of military men had rushed into the presence of the Queen-Regent, and forced her to accept of the greatest of anomalies, the constitution of 1812. What, he asked, had been effected in a military point of view? Why, at this very moment two-thirds of the roads of the Spanish provinces were in the possession of the Carlists. Gomez had traversed a great part of Spain. He had approached and threatened Seville—he had entered Cordova—and he had pursued his course to join Don Carlos, almost without interruption. When a great and powerful nation like this took such a step—when it interfered with the concerns of another country — those who sanctioned such an interference ought at least to take such measures as were likely to insure success. It was asserted, that the treaty was entered into for the purpose of preventing the northern powers, as they were called, from interfering with the affairs of Spain and Portugal. Now, anybody who studied the policy of these courts must at once have seen, that the treaty was calculated to produce a diametrically opposite effect. The northern powers were waiting quietly to see how the Spaniards and Portuguese would settle their own quarrels; they wished to leave the parties to themselves; but when they saw the British Legion sent out to Spain—when they saw his noble Friend sending out his military propaganda, they became alarmed, not knowing to what extent the system might be carried, and if under these circumstances they had interfered, who could complain of them — or wonder at it? He should say no more about the policy of this country towards Spain; but he would go to the principal object of his motion. By the third article of the Quadruple Treaty, a naval co-operation was provided for with Spain, which was strictly carried on for some time. But when the Legion were sent out, the Government allowed a certain number of marines and artillery to co-operate with them. Now, he did not care whether those marines went one mile or ten miles into the country—it could not in either case be considered a naval co-operation. He would not advert farther to the propriety or impropriety of that co-operation; but the chief fault which he found with it was, that under the system which had been pursued it might be carried to any length or extent, however great, from 400 to 4,000 men. There was no saying how many men might thus be sent abroad to fight with those against whom war had not been declared. He considered it also a strange anomaly that those troops should have been placed under the command of a captain of the navy, who could know nothing of warlike operations upon land; and he strongly objected to the whole force being commanded by a foreign general who had no responsibility. He should now draw the attention of the House to what had taken place during the last three months in Spain. After Espartero with the assistance of the English marines had relieved Bilboa, the next attempt was by a combined movement to put an end to the war in the Basque provinces. General Evans received an additional force of 6,000 men, and Espartero was to have advanced from the Durango side, and Saarsfield from that of Pampeluna, to co-operate with him. Under these circumstances, General Evans commenced the campaign. On the 13th of last month he marched out of St. Sebastian with 13,000 men, English and Spanish. He was joined by a battalion of Royal Marines, amounting to 400 men, and twenty guns. Lord John Hay was also sent to assist. After advancing successfully on the 13th and 14th, they on the 15th took the heights above Hernani, and secured possession of the Venta hill. On the 16th they endeavoured to carry Hernani, and here they failed. The right of the army was supported by the Royal Marines, the left rested on the village of Aristenaga, where there was a bridge over the Urumea. That village was not occupied, neither was the bridge secured. The attack upon Hernani, which commenced at nine o'clock in the morning, was carried on feebly. In the middle of the day, about half-past eleven o'clock, 3,000 or 4,000 Carlists arrived at Hernani to strengthen and support those who were already engaged. They debouched on the right, and took possession of the village which he had already mentioned. General Evans detached two battalions of his troops to retake it. They were defeated, and immediately afterwards the whole army, with very few exceptions, retired in great disorder. So little were the Spaniards accustomed to witness or to expect such conduct from British troops, that they did not attempt to pursue, believing the retreat to be a *ruse de guerre*. But when they ascended the heights they saw the army retreating, or rather flying, like an undisciplined mob, towards St. Sebastian. It was, however, but justice to say, and it was ascertained by undoubted evidence, that the conduct of the officers was beyond all praise. From the general to the lowest subaltern, every officer did his utmost to quell the panic, to rally the troops, and to retrieve the fortune of the day. It would be asked, why, when the panic took place, was not the reserve marched forward to correct the disorder and give the troops an opportunity of rallying? The answer was, that no reserve had been prepared—and it was impossible to check the confusion. The troops fled to St. Sebastian—one of those thousand names so glorious in the annals of the British arms—in sight of those scenes where the illustrious Duke had won such imperishable laurels, within view of the summit of the Pyrennees, where formerly the British flag had floated triumphantly. Nothing could restrain the fugitives—nothing could stop them. But there was one bright point in this action. One body of men was seen in the midst of the battle, standing firm, unmoved, impenetrable. On them the Carlist force could make no impression. Yes, a gallant battalion of British marines, consisting of 400 men, commanded by the brave Colonel Owen, successfully covered the retreat. This battalion, assisted by forty British sailors, opposed themselves to the advancing party, and but for them the artillery would inevitably have been taken. They covered the retreat of the army most successfully, and enabled them to carry off every piece of artillery. He happened to receive a letter from a person who was a spectator, not an actor, on this occasion; and he described the conduct of the marines on this unfortunate day as the most brilliant and the most gallant that could be imagined. He declared, that looking to their numbers, the Carlists might have thrown down their arms, and by mere physical weight and force have overwhelmed this handful of marines. How happened it, then, that these 400 marines resisted, and successfully resisted, a body of troops, fifteen times their number — who had previously forced the Legion to seek for safety in flight? The reason was, that the latter force was composed of mercenaries, who served for their pay, and for their pay alone, without any feeling but for what they might gain; while the other gallant set of men felt that they were responsible to their King and country for their conduct, and knew moreover that the character of a brave corps, the glory of which had never been tarnished, was intrusted to their care and keeping. He did not pretend to throw blame upon General Evans or any of the officers of the Legion; all that he meant to say was, that the Anglo-Spanish force fled in disorder, and left the British marines to bear the brunt of the defeat. He therefore would ask his noble Friend opposite, what would have been the case if this had occurred to a British army under the command of a British officer responsible to his Government? Why, in twenty-four hours after the intelligence of such a defeat, that officer would have been superseded, a court of inquiry into his conduct, or a court-martial, would have been instituted, and if it was found that he had done all in his power to insure success, or if it was proved that the panic which took place was one of those events which no human foresight could anticipate, he would be acquitted, and an opportunity given to redeem his military character; if, on the contrary, he was found wanting in any of those qualities which were essential to an efficient general officer, then at, least, the honour of the British soldiery would no longer be intrusted to him. That being so, he asked his noble Friend opposite (Viscount Melbourne) to deal with general Evans in the same manner as he would deal with a British officer under similar circumstances. Of course his noble Friend could not have either a court-martial or a court of inquiry, but his noble Friend could communicate with the Spanish government, and state to it that he looked upon himself as responsible for the welfare and safety of the British soldier in whatever part of the world that soldier might serve, and being so responsible, he could not allow the British soldier to co-operate with the general or the army whose conduct at Hernani had been such as described until that conduct had been inquired into and completely cleared up. If his noble Friend refused to do this, he would, in his (Lord Alvanley's) opinion, incur a fearful responsibility. Suppose General Evans in his anxiety — a most natural anxiety — to redeem his character, proposed another operation—suppose the same troops were to take part in it, a similar disaster to the last to occur, and the troops again to be exposed to overwhelming danger—in such case the blame and disgrace would recoil with tenfold force upon the heads of his noble Friend opposite and his colleagues. The people of England, and the relations of those now serving in Spain, would be entitled to tax the Government with having risked the lives and reputations of the gallant soldiery, their countrymen, by allowing them to co-operate with the general and the army whose conduct in the opinion of all military men ought to undergo investigation. These were all the observations he (Lord Alvanley) had to make on the present occasion. He considered this to be neither a political nor a party question; it was simply a question in which the honour of the British flag was involved, and for the protection of that honour he held his noble Friend opposite and his colleagues to be responsible. True it was that this country was bound by treaty to afford assistance to Spain, but the Government owed another duty to them selves and tehir country, and that duty was to preserve unsullied and untouched the high military and naval reputation which the brave and gallant British army and navy under the command of his noble Friend near him (the Duke of Wellington) and others, had gained at the expense of their blood, and to hand that high character down to their successors as pure and untainted as it had been received from their predecessors. The noble Lord concluded by moving for a copy of the despatch from Lord John Hay relative to the affair at Hernani.

Viscount *Melbourne*: The despatches which my noble Friend has moved for have been laid on the table of the other House, and I have therefore no objection to the motion; but the noble Lord has made a formal motion with a view to go into a long detail of our policy respecting Spain, and respecting the civil war which unfortunately rages in that country. The noble Lord said the policy of the Government was detrimental to the interests and injurious to the honour of the country; but that policy was known to their Lordships—it was known to the noble Lord — two years ago; and if it appeared so detrimental to our interests, and so injurious to our honour — so injurious to the safety and welfare of the country as the noble Lord states—I think it would have been more suitable and more becoming if the noble Lord had come forward sooner. I should think he ought to have interfered sooner, and he should not have seized the opportunity when a defeat had been sustained to arraign and condemn that policy which he had hitherto fully, openly, and deliberately acquiesced in. If the noble Lord has not done that sooner, I think it is not fair, I think it is not just or generous, after acquiescing in such a line of policy for two years, to come forward now and seize the occasion of a reverse to condemn that policy which for the first time he declares to be so detrimental and ruinous. I say more, such a course of proceeding is not only unfair, but it is injurious to the country. If the noble Lord believes the policy which we are pursuing with regard to Spain to be detrimental—if he believes it to be dangerous to the safety and injurious to the honour of the country, was it not his duty to have proclaimed that sooner, and have done what he could to avert the danger? The noble Lord has not done so, but allowed the policy to be persevered in till a partial defeat is sustained, and then he takes advantage of it with a view to weaken the stability of the Ministry. It was the fault of all countries that there was frequent changes of Government — it was the vice and error of constitutional as well as of despotic governments that such changes took place, inasmuch as these changes prevented foreign powers from trusting the new administration or placing any confidence in their conduct, and induced them to withhold their confidence till they saw what line of conduct was most likely to be sanctioned by the Sovereign and the people. There was reason in such a mode of proceeding, because foreign powers did not know but those very measures which they might be disposed to sanction, would be abandoned by a new government. They did not, therefore, wish to enter into intimate terms with a government, or form an alliance with a nation, which, on account of such changes, could not be trusted or confided in when they might want that assistance which they were taught to look to, and on which they were told they might confidently rely. The noble Lord has laid it down as a rule, that nothing but matters of the deepest interest, nothing but matters which deeply affected the safety and welfare of our own country, could justify us in interfering in the internal affairs of other countries. Now, I deny that there has been any such interference in the internal affairs of other countries; and even if there were, I am astonished that such a complaint as that made by the noble Lord should come from the opposite side of the House. I must say, it is rather a strange and curious argument to come from that side of the House, that the supporting of an established, legal, and constitutional government against rebels was an improper interference in the internal affairs of other countries. There were other parties in the country from whom I might have expected such doctrines, but, I confess, I did not expect to hear them from noble Lords opposite. But, passing that by, I ask is there nothing in the state of the Peninsula which might effect important interests in this country, and which would justify us in interfering? Is the safety of Portugal nothing? Is it nothing that by the treaties which bind us to that country we might be involved in hostilities with the adjoining kingdom? Is there any thing, therefore, novel or dangerous in the policy which his Majesty's Ministers had judged proper to adopt? I ask, also, was the tranquillity of the world nothing? Is the peace of Europe nothing? Is that not a subject of deep interest [*"Hear, hear," from the Duke of Wellington!*] The noble Duke cheers, and I understand that cheer to mean that the peace of Europe would be rather endangered than secured by the course which we have pursued. That may be a question between us. But I ask the noble Duke whether, when he concurred in our foreign policy two years ago, and particularly in our policy respecting the question before the House, he did not do so with a view to preserve the peace of Europe? That, I confess, is one of the great objects for interfering with the affairs of Spain, because I am convinced that the peace of Europe is most likely to be secured by establishing tranquillity in Spain. My noble Friend objects to the Quadruple Treaty, and to the views of the Government which led to that treaty. Now, I can assure the noble Lord, that the views of the Government are not such as he supposes. The object of the British Government was, not to establish any particular form of government in Spain, but to secure the peace and tranquillity of the country. If the peace of the country could be secured by the establishment of a constitutional government, we could pursue no other course than that of doing everything in our power to promote the establishment of a constitutional government, and secure its stability. The great object of the Government was, to secure the peace of Europe, to put an end to civil war, and to establish the power of the Queen whom we had recognised, and to whose support we were bound by treaty. The noble Lord has also objected to the step which the Government had taken with regard to the Foreign Enlistment Bill, and has stated that any person at all acquainted with Spain, every person of reputation or character, or who had any knowledge of that country, had condemned the policy of the Government. If such were the fact, they must have condemned it silently, for I have never heard of it. That was a step on which the sense of Parliament might have been taken; but no such course had been proposed. In my opinion, it is not fair. I had almost said it was hardly honourable, for noble Lords opposite to condemn a line of policy in which they themselves had acquiesced. If any censure had been passed on it, most probably it would not have been persevered in. It is unnecessary for me to make any observation on those parts of the noble Lord's speech which refer to the various revolutions and civil changes which have taken place with great rapidity in the Peninsula. These are circumstances, no doubt, which are much to be regretted; but they do not originate with us, but from a source over which we have no control. They are circumstances which, as far as we could have any power in such a matter, we were anxiously desirous of preventing. My noble Friend afterwards proceeded to what I apprehend to have been the principal object and point of his speech, namely, the state in which English forces are placed in Spain, the dangers to which they are exposed, and the consequences likely to result therefrom. I am certainly unable to follow the noble Lord through all the details of these occurrences from the day of the 16th downwards, or to pronounce any opinion as to the conduct of the officers engaged on that occasion. My noble Friend says, that he does not know to what extent we may be drawn in this matter, and how much further we may be obliged to go, and what forces we may be induced to employ. All I can say upon this point is, that, whatever may be done, it is impossible anything can be done in the dark, and that, if anything is done of which Parliament disapproves, it would have ample opportunity of expressing its disapprobation, a disapprobation which it had never yet manifested. My noble Friend passed an eulogium on the conduct of his Majesty's troops for the manner in which they acquitted themselves on the occasion, and then made some severe animadversions upon the conduct of the soldiers belonging to the Legion, who, he says, did not behave with the same firmness. For this my noble Friend gives as a reason, that the first are soldiers responsible to the Government, the others mercenaries employed by a foreign government with whom they can have no dealing, and they can have no sympathy. Why my noble Friend was pleased to distinguish the latter by the title of mercenaries, I am at a loss to imagine. Why, my Lords, all soldiers are mercenaries. [" *Hear, hear! and no, no!* "] I say yes —mercenaries they are—they are paid for their service, they fight for pay, and therefore they are mercenaries. As for the conduct of these men, I believe that they have behaved with as much gallantry and as much enthusiasm in the case as any soldiers who have ever fought in our own service. Will the noble Duke opposite be one to join in this denunciation of those whom it is thought proper to denominate mercenaries? Did he never command mercenaries—had he never foreign troops engaged to serve under him for pay? Where is the difference, I ask, between the soldiers who were engaged under the noble Duke in the last war, and the men of this Legion, who, by virtue of an order in council, in pursuance of the ancient and wise policy of this country—of a policy sanctioned by the authority of the act itself, the operation of which that Order in Council went to suspend—have been permitted to enlist in the service of an ally of his Majesty. The gist of my noble Friend's speech was this: —Will you, in consequence of the behaviour of these officers, and of the misconduct of some of those with whom they are allied, permit the marines and artillery belonging to his Majesty to remain in co-operation with the army in Spain? My Lord, I answer most distinctly that I will. My noble Friend says Irun a great responsibility, under existing circumstances, in continuing these troops in Spain. This responsibility I will take upon me; but I will not take upon me the responsibility, in a moment of temporary defeat, of disaster, of withdrawing from the Queen of Spain that assistance to which, by every dictate of good faith, every principle of honour, his Majesty is pledged and plighted to render her. I say, my Lords, I will not do it, because it would be entailing upon me a responsibility and disgrace deeper than any with which I have yet been charged by the noble Lord himself. The noble Lord says, that if what has happened in Spain had occurred in our own service —that if General Evans had been our officer commanding on that occasion, he would have been dismissed. I say, not if I were minister. I say that an officer who serves his country ought to be supported not only in victory, but in defeat; it is the duty of his country to stand by him; and a moment of temporary check, my Lords, is not a time to mark such an officer with disgrace or dishonour, much less withdraw from a cause which appears to be blighted or failing, that support which we are bound in honour and justice to permit to be given to it. My Lords, I am ready to incur all the responsibility of these troops remaining in Spain; and all the responsibility of any further operations which may be undertaken there. I do not wish to entertain any sanguine expectations on the subject; but, at the same time, I must say, that I do anticipate a fortunate and successful result from these operations—fortunate and successful, not only as regards Spain, but the world in general, both at home and abroad. My Lords, we all know, that in every country, both at home and abroad—in every part of the world—difficulties and embarrassments will sometimes occur which nobody can specifically account for, or point out the time when they may or may not occur. We all know this; but, my Lords, I will not argue in that lowering and degrading language which has been admitted in discussion elsewhere as to the general state and prospects of their country. I hold it in the highest degree unwise, impolitic, and, not to use a harsh or unparliamentary expression, I do consider it to be a labour of an humble and creeping character, and if for the purpose of political advantage, quite unjustifiable to circulate and propound such notions. My Lords, I can only say in conclusion, that I see nothing in the state of the affairs of this country, either at home or abroad, to induce any minister to withdraw from office, or to deter any one not in office from accepting it, if, in other respects, he deems it advisable.

The Duke of *Wellington:** My Lords, I am exceedingly happy to hear from the noble Viscount that the state of the country is of that satisfactory nature which he has just described. The noble Viscount has thought proper to object that the subject of the present discussion has never, on any former occasion, been brought regularly under your Lordships' consideration. I can only say, that I have more than once taken opportunities of expressing my decided objection to the course of these operations. It is perfectly true, that I have never considered it my duty, and have never thought proper, to bring the subject distinctly under your Lordships' notice by way of motion. My reasons for adopting this course were founded, in the first instance, upon my desire to avoid interference, by a vote of this House, with any affairs of the Executive Government. I have very great objections,—founded on the existing state of the Constitution of this country, and considering the relations in which this House stands, at the present moment, towards the other House of Parliament, on the one hand, and towards his Majesty's Ministers, on the other,—to originate the discussion of this or any other question connected with the policy of the Government.

With this feeling, my Lords, and under these circumstances, I have done everything in my power to prevent discussions from being brought forward, on subjects of this nature. On more than one occasion, when a noble Friend of mine, (Marquess of Londonderry) whom I do not see now in his place, has endeavoured to bring under your Lordships' consideration subjects of this description, I have done everything in my power to avoid the discussion.

It is true, that when the Order in Council in question was produced by his Majesty's Ministers, I gave notice of my intention to submit a motion on that subject. My reason for giving that notice was, that a noble Friend of mine having asked the noble Viscount opposite a question as to the operation of that Order in Council with respect to pensions for wounds, and retirement allowances to officers and soldiers,—and not considering the answer of the noble Viscount satisfactory, I did wish to discuss the question more at length, in order that I might elicit the noble Viscount's opinion, on that and some other matters. It appeared to me that the noble Viscount, by that Order in Council, had suspended only one half of the clause of the Foreign Enlistment Act; and that the other member of the clause, that which inflicted penalties on persons who should enlist others into the service of a foreign power, was not suspended. I did not, however, bring forward my motion, because some of my noble and learned Friends did not agree with me upon the subject, and I thought it best not to proceed with it.

This, my Lords, is the real account of the transaction. I have never, from that day to this, brought forward the subject, though I have frequently given my opinions upon it; and I abstained from so bringing it forward for the reason I have before assigned;—namely, my desire to avoid a vote on any question relating to the measures of the Executive Government, which was not called for by some passage in a speech from the Throne, or by some proposition brought forward by his Majesty's Ministers; so as in some manner to render it necessary that I should state my opinion. But upon all such occasions I have not failed to state my opinion; and have stated it upon this subject more than once.

The noble Viscount, in replying to the speech of my noble Friend, appears to think that the Government acted precisely according to the policy and terms of the Quadruple Treaty; and he talks of that which the Government have done, as if theirs had been a system of policy adapted to the salvation of Portugal, and the preservation of the peace of Europe.

This question divides itself, my Lords, into two distinct branches: the Portuguese question; and that which is perfectly separate and distinct,—the Spanish question. My Lords, I must confess that I did not approve of the original Quadruple Treaty. I considered it inconsistent with the ancient principle, and the policy and practice adopted in this country with regard to Portugal, to avoid to interfere in the disputes between the two Princes of the House of Braganza, which had been the policy of this country for many years. It sanctioned the introduction of Spanish troops into Portugal, which measure was inconsistent with our defensive relations with Portugal; and had been objected to and prevented in this very contest between the rival Princes of the House of Braganza. Yet it gave no fresh assistance to bring the contests in Portugal to a conclusion, excepting the promise to give the aid of this country by the employment of a naval force in co-operation with the Spanish and Portuguese troops, which aid was not necessary. Another objection which I entertained to the Quadruple Treaty was, that it mixed up France and this country in the offers and promises made to Don Carlos and Don Miguel, in the fifth and sixth articles of the Treaty. These Powers became, in fact, guarantees for the performance of these engagements, as well as for the performance of the engagements made under the same articles of the Treaty, to the subjects of Portugal and Spain. It is impossible to describe the inconvenience of such articles. They require the interference of the Government in hundreds of little questions. I have felt the inconvenience of those articles since their adoption—I stated my objections to them at the time, and I have seen no reason since, to alter the opinion I then formed. Don Carlos and Don Miguel evacuated Portugal, and Donna Maria became Queen of Portugal, and Don Pedro took possession of the government of that kingdom;—the objects of the Quadruple Treaty were thus attained. Don Carlos having been brought to England, and having proceeded from thence to the north of Spain, the additional articles to the Quadruple Treaty were agreed to on the 18th of August, 1834. These articles are, in some respects, essentially different from the articles of the Quadruple Treaty itself. The Quadruple Treaty did not require the King of the French to do more than be a party to it, or to aid in the attainment of its object, until he should be called upon by the other three contracting Powers. The King of England was required, under article three of the Treaty, to co-operate with the troops of Spain in Portugal by the employment of a naval force. But, by the first of the additional articles to the Treaty, the King of the French obliged himself to take such measures in those parts of his dominions which adjoined to Spain, as might be calculated to prevent succours of men, arms, and warlike stores, being sent from France into Spain: and the King of Great Britain engaged, under the second of the additional articles, to furnish such arms and warlike stores as her Majesty the Queen of Spain might require; and further, to assist her Majesty by a naval force if necessary. The Duke of Braganza was to give the best assistance to serve her Majesty that he might be called upon to render. So that those additional articles were essentially different from the terms and provisions of the original Treaty, by which the removal of the two Princes from Portugal was effected. I do not mean to say, that, in the preamble to that Treaty, allusion is not made to the affairs both of Spain and Portugal; but there still is a remarkable difference between the words used in the Treaty, and in the additional articles; and most particularly in relation to the part to be taken by this country.

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* From a corrected Report.

Those additional articles were signed in the month of August, 1834; and in the month of November, 1834, I was called upon to carry the treaty into execution. It was not then considered to be a treaty of the description given by the noble Viscount; it was not considered as a treaty for the preservation of the peace of Europe, or as a plan for great operations to be performed by arms. My Lords, I have a right to say this, because I myself had an explanation on the subject—first, with the Government of the King of the French, in which it was clearly stated, that the parties were bound not to interfere in the internal concerns of Spain, or in the contest then going on in that country;—it was so stated distinctly at that period, and the statement, having beeen communicated to all the parties in the Treaty, and in the additional articles, was satisfactory to all. The noble Viscount appears to be of a different opinion. I refer to the despatch to prove the truth of my statement. That, I assert, was the distinct understanding of all the parties in the Treaty. The noble Lord has thought proper, in answer to my noble Friend (Lord Alvanley), to take quite a different view of the case. I speak, not only from a perfect recollection, but a perfect knowledge of the facts and words; and I now challenge the noble Lord to produce the despatches of that time. I believe that the original object of the naval force which it was agreed should be supplied under the second article of the additional articles of the Treaty was, to establish a blockade on the north coast of Spain, from the Bidassoa to Cape Finisterre: but it was discovered that that blockade could not take place;—

that blockade was an act of war which this country could not execute, as it was not at war. It was unfortunate that the noble Lord should not have ascertained this important fact a little sooner. But, as soon as it was ascertained, the Spanish Government was informed, that this country, not being at war, could not blockade the Spanish coast. The noble Lord appears to doubt this fact; but I again refer him to the despatch. The result of these discussions was, that her Catholic Majesty thought proper to pass a decree, by which all the towns and ports on the north coast of Spain, although in the actual possession of her Catholic Majesty, were declared to be under maritime blockade; thus, in fact, exercising a right of war against her own subjects—living in towns and ports in her own possession, under her protection, and in her allegiance.

There are some noble and learned Lords in the House who will feel surprised how such a decree should have been passed, and should have been carried into execution; and among them the noble and learned Lord on the Woolsack, who was not then in his Majesty's Council. It was very soon discovered, however,—I think early in 1835, that Spain could not declare the blockade of her own coast in her own undisturbed possession. But, very shortly after, the irregularity of this blockade having been discovered, her Catholic Majesty thought proper to give directions that certain Spanish vessels from England, bearing the certificates of the Spanish Consul in English ports, should be admitted into the ports of the Spanish coast blockaded by this decree. The blockade was thus put an end to, as no party could submit to it as long as it could be relaxed for any description of ships. From the commencement of November, down to the month of April, our squadron remained on the north coast of Spain, engaged in no manner in the operations of the war; excepting, I believe, on one or two occasions, that they conveyed the Queen's troops from one part of the coast to the other, I understand that a noble Lord at the head of the Foreign Department has said, in another place, that my right hon. Friend, who was at the head of the Government, had carried into execution these articles fairly and honourably. It certainly was my object to carry these articles fairly and honourably into execution. I must say, however, that I never saw any mode, or any opportunity whatever of carrying into execution that particular part of the second of the additional articles, or the third article of the treaty. But, for what reason? Because, my Lords, the enemy of the Queen of Spain has not even a cockboat—not a single port, not a fishing village—much less a coast, or ports upon that coast, which any naval power could attack, or against which any naval service could be performed.

From some observations which fell from certain Friends of the noble Lords opposite a few evenings ago, I gather that I am considered to have been very much in error; but it is admitted, at the same time, that I executed the treaty fairly and honourably. I must say, that, up to this time, I conceived that the treaty to which his Majesty had been pleased to affix his signature, had been, by me, fairly and honourably executed. The Government of that day saw no mode by which naval assistance could be rendered to our ally. The articles of the treaty requiring the supply of arms and ammunition were carried into execution. But although we found that we could take no steps towards attaining the objects of the additional articles by military force, we felt that the real strength of this country, in a case such as that which we had before us, consisted in that influence which it possesses, founded on its justice, its fairness, its disinterestedness, and the wisdom of its councils. And we considered it our duty to exercise that influence with a view to put a stop to the practice, which at that time prevailed on both sides of this unhappy contest, of putting their prisoners of war to death. We accordingly prevailed on the Spanish government to consent to our endeavour to establish a convention or cartel to attain that object; and Lord Eliot was sent on a mission to the head quarters of Don Carlos. Lord Eliot conducted himself with so much ability, that he succeeded in establishing a cartel for the exchange of prisoners; and had the satisfaction, on the day of his arrival at the head quarters of Don Carlos, of saving the lives of twenty-five men who had been made prisoners, and who were about to be put to death. I contend, as I have before contended in this House, that his Majesty's present Ministers ought not to have departed from the position which the Government of which I speak had established while they were in power. I will not pretend to say what would have been the result of their having followed out that course; but this I do say, that the course pursued by his Lordship's Government has not benefited the military or the financial affairs of Spain, or promoted the peace of that country or the general tranquillity of Europe, or attained any of the political advantages which the noble Viscount boasts have been attained by his departure from that position which the previous Government had occupied, and had left to their successors. But, my Lords, it did unfortunately happen that certain parties in this country had been connected with the Spanish finances; and it was important to those parties that red coats should make their appearance in Spain, and that the name of "Great Britain" and of the British Legion should be mixed up in the operations of the war. Money was raised in this country to defray the expense of the equipment of the "Legion," as it was called, of 10,000 or 12,000 men, and also of their pay, their food, and maintenance, for a certain number of months; and the noble Lords, in order that this scheme might be carried into execution, gave their consent to the order in council for the suspension of the Foreign Enlistment Act. The corps quitted this country and went to Spain, in the spring of the year 1835, nearly two years ago. Their first operation after their arrival at St. Sebastian was a march over the very same ground, to the very spot which was the scene of the late disaster. My Lords, up to that moment, the Eliot Convention, as it is most honourably and justly called, had been carried into execution. It was on that day departed from on both sides, and from that day to this, I firmly believe, from all I have seen and read—and I have read much on the subject within the last few days—there has been no certainty in the execution of that convention. Not only has there been no certainty in the execution of that convention, but, notwithstanding the millions of money that Spain has expended—notwithstanding the blood which has been shed, and the number of lives which have been lost,—I will venture to say, that the military affairs of the Queen of Spain are in a worse condition now than they were in the month of May, 1835. When the Legion embarked for Spain, it was sent to the northern parts of that country. Soon after the disaster at Hernani in 1835, as soon, I believe, as the original sum of money allowed for its equipment and its first expenses had been expended, the corps was sent to join the other troops at Vittoria, having been under the necessity of crossing the Ebro in order to reach that place from Bilboa. The Legion suffered the greatest possible privations of all descriptions at Vittoria. These were not likely to improve their discipline or subordination. There, however, they remained, during the winter of 1835, 1836. But a crisis was approaching in the financial concerns of Spain. The interest of the debt was to be paid in money, and it became necessary that the Legion should be brought again to the coast, that Great Britain should appear to take an active part in the war,—that, in fact, something else should be done in order to produce a particular sensation in a place called the Stock Exchange. This corp, towards the spring of the year, was brought, by a very circuitous march, to Santander, and thence, by sea, to St. Sebastian, where they were employed in the relief of a blockade of St. Sebastian, a town of which the blockade had been maintained for some time by a Carlist officer, by name Guibelalde. It was thought absolutely necessary to raise the blockade. In the meantime, I should inform your Lordships, that the British squadron, under the command of an officer for whom I entertain the highest respect, (Lord John Hay) had been on the coast, and, as I said before, had done nothing, for, in fact, there was nothing to do. But it being found to be absolutely necessary to relieve the blockade of St. Sebastian, the corps was accordingly brought from the neighbourhood of the Ebro and Vittoria in order to carry into execution this operation. Then, my Lords, the British squadron came into active operations with its sixty-eight pounders in the steam boats, which were fired with great success into the works constructed for the defence of the flanks of the Carlist's position. This was the great affair of the 6th of May, as it has been called all over Europe. But, my Lords, what was the result? The Carlist lines were removed a little further off, just beyond the reach of the fire of the sixty-eight pounders of the steam-boats of the British fleet; and there the blockade of St. Sebastian has remained and been maintained from the 6th of May, 1836, up to the present moment. The whole of the policy of the British Government, therefore, all the operations of the British Legion, backed by the British squadron have effected nothing more nor less towards putting an end to the war, and giving peace to Spain and to Europe, than the removal of the blockade of St. Sebastian from one point to another, so as not to come within the liability of being affected by the sixty-eight pounders of the British steamers, under the command of Lord John Hay. I defy the noble Viscount, or any noble Lord supporting the same line of policy, to show that a single advantage of any description has been gained from that day to this. The noble Lord has, therefore, no reason to boast of the consequences of these operations, since the removal of the blockade to the distance of one mile is all that has been effected by the very great and serious risks which he has thought proper to incur. If the noble Lord supposes that the safety of St. Sebastian had been more or less endangered by the blockade, I can assure him that he is much mistaken; for, from what I know of that fortified town, which is one of the first or second order in Europe, I can take upon myself to say, that the Carlists might have been left in their original position without any danger whatever to the town, because they could not make an attack upon such a fortress. In the whole course of the war, they have not, to my knowledge, taken, by an attc k, any fortified post; or even, open town of any magnitude, prepared for its defence. They could not have distressed St. Sebastian for provisions, because its communication with the sea could not be prevented. I say, it could not be prevented, even if the whole British fleet were blockading it, instead of being stationed there to relieve it. The amount of inconvenience felt by the town from the Carlist force being in its neighbourhood, was neither more nor less than the unpleasantness of ladies and gentlemen, residing there, being prevented taking their evening walks in the neighbourhood. This is the whole amount of the inconvenience from which the town was relieved. This was the whole amount of the service rendered. Under these circumstances, my Lords, I cannot think these operations of such importance as the noble Viscount seems to attach to them; I mean the operations of the squadron as connected with the Legion.

But, my Lords, I will go a little further. I will say, that I firmly believe that the connexion between the Legion and the fleet, has been injurious to the military operations of the Queen of Spain's generals. That is my decided opinion, founded upon my knowledge of the nature of the country, and of the position of both parties. My Lords, there is one point to which I wish most particularly to refer; that is, the want of a communication between the Queen of Spain's generals, which can be relied upon. If corps of the size of those now employed are not actually joined, there must be a certain communication between them; for, without communication, there can be no co-operation; and any attempt at co-operation would, in my opinion, in all probability, lead to disasters such as have recently taken place at Hernani. How are these troops situated? General Evans's troops are at St. Sebastian; General Saarsfield is at the other side of the Borunda, at Pampeluna; and Espartero, with his army, is at Bilboa. It is impossible, that there can be any communication between these three, except by the French frontier, and by sea from Socoa, or by the Ebro. An arrangement is made for an attack, and a day named. What was the consequence? General Evans made an attack, but General Saarsfield, at Pampeluna, does not attack; there is a frost, or snow, or rain, or some physical impediment which prevents a movement on the part of Saarsfield. General Evans cannot be informed in time, and the enemy has opportunity and leisure to throw his whole force upon General Evans; who, even if the troops had behaved well, would have been compelled to retire. The position, therefore, of the Legion at St. Sebastian, in order to co-operate with the British squadron, that there might be something like British co-operation, was not an operation of war; it was one of stock-jobbing. My Lords, it is a matter of much surprise to me, that General Evans, who, having acquired the confidence of his Majesty's Government, and that of the Queen of Spain, I presume must be an able man—it is, certainly, a surprising circumstance, that having had experience of the difficulties of carrying on communication in that country, and having met with a check in the month of January, 1836, for want of communication, he should not have felt the danger of his position, and should have omitted to put himself in communication to a certainty with that corps in whose co-operation he was to act, instead of keeping himself at a distance from it, in order that he might carry on operations in concert with his Majesty's fleet. There is another occasion upon which his Majesty's fleet have acted, to which I wish to refer, namely, at the siege of Bilboa, one transaction connected with which has, for some time past, made an impression on my mind; and I am now desirous of mentioning it, merely for the purpose of obtaining an answer in explanation with regard to it. Don Carlos attacked Bilboa; the siege of which General Espartero endeavoured to interrupt. The British fleet co-operated in these endeavours. It has been stated by respectable authority, a noble Lord, a Peer of the realm (Lord Ranelagh), who was at the time in the Carlist camp, that the following circumstances took place. The plain facts are these:—"His Britannic Majesty's ship, Ringdove, lay at anchor during the greater part of the siege in the Bilboa river, between Fort Desierto and Portugalette, within half musket-shot of the Carlists, where, had she been considered as an enemy, she would have been seriously injured, and, perhaps, destroyed. It was rumoured, that she fired three or four shots ashore, and a great sensation was created in the Carlist camp at the idea of such a gratuitous outrage during a state of virtual neutrality and mutual forbearance, where no provocation had been given; but these shots were afterwards discovered to be nothing more than signals to steamers in the offing, and nothing of retaliation was attempted or thought of. His Britannic Majesty's brig, Saracen, lay further up the river, moored till the last under Fort Desierto. This fort and the Spanish gun boats were, almost daily, engaged with the Carlists; yet the Saracen, which lay in the midst of the latter, took no ostensible part in these contests, but (as it now appears) sent her crew to work the guns in the fort; while she herself continued to lie quietly at anchor, apparently neutral and harmless. Had either vessel acted openly on the offensive, the Carlists would have known with whom they had to deal, and I should have withdrawn to another part of the provinces." I allude to this letter, in order that a contradiction may be given, if possible, to the facts stated in it. They represent a state of things which ought not to exist. Parties engaged in the operations of war, cannot appear at the same time in two characters. They cannot avail themselves of the advantage of a neutral character to take a position from which an hostile attack can be made with advantage.

The noble Lord has stated, that he will not recall the marines. I would beg to remind your Lordships, and the noble Viscount in particular, of this fact,—that the marines are properly the garrisons of his Majesty's ships, and that upon no pretence ought they to be moved from a fair and safe communication with the ships to which they belong. The noble Lord states, that he is responsible; and that he will take upon himself the responsibility. I have commanded his Majesty's armies, and have incurred as many risks and faced more difficulties than, I hope, the noble Lord will ever have to encounter. I have been engaged in hostilities of this description, where co-operation was carried on upon the coast; and, although I certainly would do as much for the service, and I believe I may say, have done as much for the service, as the noble Lord; yet I would not venture, and have never ventured, to put any corps whatever in co-operation with the Spaniards, or in any situation whatever in which the detached troops could not communicate with the corps from which they were detached; and, above all, upon the sea-coast, where the troops detached could not hold communication with the ships. The first order to each of these detachments was to keep the communication with their ships. The loss of 400 or 500 marines may not materially involve the honour of this country; but the lives of the men ought not to be endangered, as they must be, if care be not taken that they should have a communication with a point of safety, without some very extraordinary cause. We hear of the operations of the marines with the Austrians. But the Spanish troops, and particularly the British Legion, are not the Austrians. I cannot consider this corps of General Evans to be in a state of discipline and subordination, such as a body of troops ought to be in, with which his Majesty's marine forces ought to be connected. They have suffered very considerably; their losses have been great, and have affected their subordination, their good order and discipline, particularly, in presence of an enemy. A disaster or panic may occur among the best troops; but, among such, order can be re-established. It does not appear, that these are in the state in which they ought to be, to render it safe to co-operate with them. No efforts of their officers can, in such cases, have any effect upon them. The noble Viscount says, that we are carrying on these operations with the object of maintaining the peace of Europe; and these objects are, more especially, put forth in a pamphlet which is attributed to a colleague of the noble Viscount, who has applauded its opinions, if he has not gone further, and adopted them as his own. Is the noble Lord desirous, in accordance with the policy so set forth, to press upon the nation the adoption of the system of a general combination of the powers of the west, upon principles offensive as well as defensive, against the powers of the north and east of Europe? If so momentous an affair, and such a course are seriously contemplated, they should not be commenced by stealth, but in a manner worthy of the character of a great nation like Great Britain. It is not by allowing Spain to raise a Legion here in the first instance, and afterwards by sending a few hundred marines, that any really important object can be accomplished. But if the noble Lords are in earnest, a message should be sent to Parliament, and the support of the country should be called for, to this new scheme of policy; and a commanding force should be sent, in order to carry it into execution. But I recommend to the noble Viscount well to consider the length of time which must elapse before these operations can be brought to a conclusion; the expense which must, in the first instance, be incurred; and the lengthened period which must elapse before the troops can be withdrawn, and the other expenses can be discontinued, which must be incurred if this scheme is to be undertaken. The noble Lord must establish a government in Spain; he must have the assistance of a Spanish army; and he must pay, equip, and provide for, not only his Majesty's troops, but every Spanish officer and soldier employed in the settlement of the government of the country. It may be said, that there are financial resources in Spain; but I am much mistaken, regarding the state of the Spanish military establishments and Spanish finances, if there are not non-effective establishments, such as pensions, retired allowances, expenses of garrisons, and others which will consume the whole of the pecuniary resources of Spain, however well managed, even without including the interest of the existing debt. I think, that if this country should have this matter fairly brought under its view, it would not be thought advisable to enter upon the scheme proposed in this pamphlet. But we are told, that France ought to act this part; and that we ought to give France our moral support. France act! At whose expense? France would have the same difficulties—nay, greater difficulties—than this country. Is it intended that we are to subsidise France? No such thing; we are to assist with our ships and marines on the coast; but it is France that is to carry on the operations in the interior, and pay this expense. Is it believed, that Louis Philippe has lost his senses? If we cannot expect that France will defray all this expense, what is to become of the integrity of the Spanish dominions, and the independence of the Spanish government after the operations shall be concluded?

I think, that I have shown your Lordships how little has been gained for any party by the system of operation which has been followed upon the coast of Spain, and the inutility and danger of the continuance of that course; and the absence of any ground for hope that Parliament or the country will consent to adopt the larger scheme of policy suggested in a pamphlet recently published, as is supposed, by authority. I would, therefore, suggest to the noble Lord opposite, the expediency of reverting to the station which the Government of this country had taken in Spanish affairs, when they succeeded their predecessors in office. Your Lordships are aware of the great influence of this country in the affairs of Spain, for many years—an influence founded solely upon a belief of our justice, and disinterested views, and confidence in the wisdom of our councils. I do not pretend to say, what can be effected by our mediation; but it will be, at least, as much as can be attained by our petty warfare. Let us resume, in reality, the neutral position that becomes us, which we occupied before the order in council was issued; and we shall have a chance, at least, of restoring tranquillity.

Lord *Holland* said, that there were some matters referred to in the speeches both of the noble Duke who had just sat down and of the noble Lord who had introduced this matter to the notice of the House, upon which he was anxious to make a few remarks. He gave the noble Lord (Alvanley) all due credit for the candid and manly explanation which he had given to the House of the grounds upon which his opinion was formed. The noble Lord must, however, allow him to say, that there was some inconvenience in discussing matters of so grave a nature as the general policy of this country, viewed in connexion with the construction of a particular treaty, without bringing the question before the House in the shape of a specific motion. And he must further ask his noble Friend at the opposite side, as well as the noble Duke who had last addressed the

House, why, if they had all along dissented from the foreign policy pursued in this respect by his Majesty's Government they had declined to embody that dissent in a specific shape before; and, especially why they should have selected the present moment for bringing it forward, after the occurrence of a disaster which, but for the brave conduct of his Majesty's Marines might have been certainly still more disastrous? What particular purpose, could be served by indulging in invectives of this description, without calling upon the House to give its assent or dissent to any distinct proposition? Again, he would ask, was this the proper moment to recall our marines, and to express, not by a vote of their Lordships' house, but through the medium of speeches merely, their disapprobation of the military conduct of General Evans? The principal objections which his noble Friend had urged against the policy pursued by his Majesty's Government towards Spain were our interference, by force, with the civil disputes of a foreign country, the suspension of the Foreign Enlistment Act, and the extended construction of a treaty. With respect to the meaning of the treaty, as connected with the interference complained of, he certainly thought that the noble Duke had not been sufficiently accurate in his statement. The noble Duke seemed to think that the object of the treaty was attained when Don Miguel and Don Carlos were both excluded from Portugal. He must say, that he felt it impossible that any man could attentively peruse the preamble of the treaty without perceiving that the affairs of Spain were equally made its subject as those of Portugal. The noble Lord then read a passage from the preamble, which stated the interests which the King of Great Britain, and the other powers who were parties to the treaty, had always taken in the security of the Spanish monarchy, with a view to the maintenance of peace, as well in the Peninsula as in every other part of Europe. He contended that this interference with Spain was perfectly justifiable, as ancillary and subservient to the maintenance of the peace of Europe. But it was said, forsooth, that they had not preserved the peace of Europe. He could, however, with truth, as he believed, state, that peace had been preserved; and, in his conscience, he believed that it had been so preserved through the agency of the Quadruple Treaty. At the period when that treaty was signed, it was believed that the adoption of such a measure was essential to the preservation of this country from being involved in a war with the northern Powers of Europe; and the belief was at that period very generally entertained, that money had been sent from various quarters to assist Don Carlos in his military evolutions. For his part, he entertained little doubt that Don Carlos would have been at the present moment enthroned in Madrid, and that the relations subsisting between this country on the one hand, and Spain and Portugal on the other would have been materially different, had not the moral force, and the naval and military assistance of Great Britian, been extended to those countries. It was declared, however, to be alike immoral and inglorious to carry on a war in this manner without openly proclaiming it. But, surely, no noble Lord was ignorant that the laws of nations contemplated and recognized auxiliaries as well as belligerents, allies as well as principals in military operations. If this treaty were really objectionable in principle, why had not noble Lords endeavoured to prevent it from receiving the sanction of the Crown when it was under the consideration of Parliament? With regard to the right of intervention, it seemed to be assumed by noble Lords opposite that the Ministers should make vows of chastity and forbearance, and politically and diplomatically lead the life of vestal virgins. Great, indeed, was expected to be their forbearance, when it was to withhold them altogether from interfering in any war of succession. Had it always been the policy of England to withhold her interference under similar circumstances? There was not one British heart which beat with greater delight than did his at the contemplation of the successful service which the noble Duke had rendered during the Peninsular war. Now, surely the noble Duke was engaged upon that occasion in a war of "foreign interference." Why, the history of England abounded with instances in which British subjects served as mercenaries in foreign armies. It was in this capacity that the illustrious Marlborough had gained his early military experience. If he were to mention all the great names of individuals similarly circumstanced, the noble Duke would be quite appalled. From the time of the Black Prince, who had served literally as a mercenary, down to that of Elizabeth, cases of this description had repeatedly occurred, and many of the instances which had arisen during the reign of that Queen were exactly analogous to the present case. There was no declaration of war made at that, period, notwithstanding that so many British subjects had been sent or permitted to serve in the wars of Foreign countries. Passing to the case of King William 3rd., whose character no man admired more than he did, what was it that constituted that monarch's peculiar glory? Was it not the fact, that when he saw his father-in-law trampling on the liberties of this country, and ready to subject its inhabitants to popish tyranny, he did not hesitate, without the proclamation of a war, without the sanction of a treaty, to connect himself with the discontented party in this country, associating himself in arms with some of his own countrymen, and thus to achieve a revolution which had consecrated for ever his "Glorious memory." Coming down to later times, when George 2nd. exhibited his imperturbable valour in the battle of Dettingen—did he not exhibit it as an auxiliary? It might be said, that this Sovereign was also Elector of Hanover, but this did not affect his argument. Was not that distinguished diplomatist, Lord Stair, so deeply versed in international law, also present as an auxiliary at the same battle? Yet according to this new code of political honour, those distinguished personages had disgraced themselves by acts which were recorded with praise in the page of history. Referring to another head of objection, if he were asked what he was to understand by one nation, engaging to give "naval co-operation" to another, he would answer, such co-operation as an admiral of any nation was bound to give to a general of the same. It was, unquestionably, true, that the person against whom war is made, and to whose adversary he gave assistance, has a perfectly just ground for proclaiming war against us if he chooses. They (the Ministers) had, however, made no mystery of their intentions in this matter. Their object was, avowedly, to expel Don Carlos from Spain, and their reason for adopting this course was, that they believed they were thus contributing to the maintenance of peace in the Peninsula and throughout Europe, by the only probable mode of attaining that object. [The noble Lord here sat down for a few seconds, apparently overcome by debility; but, notwithstanding the cries of "Keep your seat," he immediately rose, leant upon the table, and proceeded as follows]:— Entertaining the highest respect for the noble Duke opposite, and for the strict attention which he paid to his Parliamentary duty, he must contend that the policy of Ministers with respect to this question was straightforward and intelligible. They had acted in conformity with the provisions of a treaty, into which they had entered, not for the purpose of establishing a particular form of Government, but to maintain the legitimate rights of the Queen of Spain, which were invaded by insurgents. They considered themselves bound, as far as they could consistently with honour, justice, and prudence, to carry that treaty into effect in accordance with its spirit. The policy which they had adopted was clearly intelligible. They had interpreted the words of the treaty according to its spirit, largely, and deliberately and if circumstances should arise rendering such a measure desirable, there would, no doubt, be a further treaty proposed. To those who objected to the foreign policy of Ministers, that it had a tendency to involve this country in a general war, he (Lord Holland) would say that when, in conjunction with his colleagues, he assented to this treaty, he had, of course, reflected upon and taken his chance of the consequences. He had compared the chances both ways, and he felt no hesitation whatever in now asserting, that they had succeeded, not in directly driving Don Carlos out of Spain, but in proving to the satisfaction of every person, both in and out of Spain, that Don Carlos never would reign in that country. He should say then, looking at the whole state of affairs in Spain, that Don Carlos was not one step nearer than before to the object to which he directed his operations. Indeed, the very ground that his noble Friend occupied, instead of proving that Don Carlos was likely to succeed, proved that nothing could be more unlikely than his success; and furthermore, he trusted their Lordships would recollect that not a town joined Gomez; that the Spaniards—he meant, of course, to limit the observation to the inhabitants of those towns—appeared to be as averse to municipalities as were the noble Lords opposite last year. On a subject like the present he should necessarily be most unwilling to venture upon a prediction, he had never been betrayed into a prediction but once, and then he was wrong; but with respect to Don Carlos, he might say thus much, that he was not now in as good a situation as before. He should not follow the noble Duke through his remarks on the military operations in Spain, which certainly ought to be listened to with great deference; but he would submit to the noble Duke that the fact of Don Carlos being still not a step nearer the capital, proved strongly the utter impossibility of his final success. The expedition of Gomez, too, the strangest event which had ever occurred in any war, seemed to corroborate the fact. The people evidently were against him. He should make one remark more, and then conclude. It had been said, that the suspension of the Foreign Enlistment Act was improper, but it should be borne in mind, that a special clause gave the executive a power to suspend it. For what reason could that clause be inserted if it was not in contemplation of some such concurrence of circumstances as had produced the suspension. The possibility of the power being used, was evidently thought of, or the clause would not have been necessary. The noble Duke said, that he should not have consented to the suspension, as he gave a different meaning to the clause. The noble Duke, from his great military knowledge, was certainly well able to judge of what should be done in the case; but he would ask him whether, if the Government had refused to suspend the Act, the people of Spain would not be ready to exclaim that the English Ministry were indifferent whether Don Carlos or Donna Isabella reigned over them? The advisers of the British Crown were charged with being partisans of Christina; he charged those who brought the accusations with being Carlists. It had been made matter of complaint against the policy of his Majesty's Government, that they had not adopted the means which the treaty supplied, but his opinion was, that even if the treaty had not authorised them, they ought still to have pursued the same course. There was one other point on which he wished to address their Lordships before he sat down; if he observed in all oligarchical governments an absence of those principles, and of those results which, as it appeared to him, were material to the happiness of mankind, he must be permitted to say, that in this country, possessing as it did the best of popular Governments, he should be the last to advise any other course than that which had been adopted. He should be the last to accede to the doctrine, falsely called Conservative, which affirmed that the people were made for their rulers, and not their rulers for mankind.

The Earl of *Aberdeen* said, that notwithstanding the able and convincing speeches which his noble Friends near him had addressed to the House, there still remained some considerations which he should take the liberty of submitting to their Lordships. He would endeavour very briefly to show the course which his Majesty's Government had pursued in adhering to that treaty, which in the course of the present discussion had been so often adverted to. He would begin by observing, that it was undoubtedly according to law that the Government of this country should interfere, provided they did so in conformity with the stipulations of the treaty —according, as he should say, to the received interpretation of the treaty; but the proceedings of the Government were wholly at variance with the treaty—th y were different from it, and not to be justified by any part of its provisions. So far from this being the case, according to any fair interpretation of the treaty, he should say it would not be a difficult matter to show that directly the reverse had occurred —that the King's Government had not only acted immediately after the ratification of the treaty in violation of it, but that they had so acted by their declarations and conduct since. They told the country that they had great pride in an observance of the treaty. He desired to see them abide by that declaration; that for which he was most anxious was an observance and a present observance of the treaty. One of the most important considerations for the House was to determine the nature of the engagements which that treaty involved, to determine likewise what were the objects of the treaty, and the means by which it was proposed to carry those objects into effect. Of course the House would readily believe, that he did not wish to go at length into the origin of the treaty, but in order to a useful explanation of the position in which this country stood it was necessary that he should shortly refer to the ground over which we had passed. He should not enter into the question which regarded the claims of Don Carlos, and for this simple reason, that they were not material to the present discussion; neither should he enter into a controversy with the noble Baron opposite on questions of Spanish law, for, however high his authority might stand as a Spanish jurist, he would take leave to say, that the legal question was one which in no degree affected the present discussion, and therefore it was one on which no Member of that House was called to pronounce an opinion. The law of succession in Spain had been acquiesced in, and acknowledged for upwards of 100 years, and according to that law, Don Carlos must have succeeded to the throne. That that course of succession should have been departed from merely under the "pragmatic sanction" of Ferdinand VII., delivered in favour of his daughter, was an event which could not have occurred without shocking the feelings of the great majority of the people of Spain. On the death of her father, the Queen succeeded to the throne of Spain; all the authorities, however, the great body of the people, the army, and, he might say, a large proportion of every class, acquiesced. The Queen on her accession was recognised by the British Government. He did not quarrel with that recognition, neither did he object to the step taken by the Government of sending out a Minister from this country for the purpose of affording to the Administration of the Queen all the moral force which the sanction of this country could supply. Shortly afterwards Don Carlos being then in Portugal, was called upon to give in his adherence. This having been declined, Don Miguel, then the ruler of Portugal, was called upon to expel Don Carlos from his dominions. Don Miguel not choosing to do so, the Spanish Government had recourse to arms in order to give effect to their demand, and thence the origin of the treaty. His noble Friend had very justly and correctly said, that when those two Princes had retired from the Peninsula, the object of the treaty had been accomplished — that the designs and wishes of the contracting parties to that treaty were fully satisfied. If any man looked at the treaty with a sincere desire to apprehend its true meaning, and brought to the task the most moderate share of intelligence, he could not fail to see, that the case was precisely as he had stated it. Two forces existed in the kingdoms of the Peninsula, and it became necessary to expel both. To their expulsion there were two acceding Powers, and this expulsion unquestionably was the *ratio suasoria* of the treaty. He repeated, that no one could fail to see, that the interpretation he held to be the correct interpretation of the treaty was the only one which it would bear; in fact, it was that which the noble Viscount himself put upon it, when pressed by a noble Marquess, whom he did not then see in his place, three years ago. It did appear to him (Lord Aberdeen) that nothing could be more material to the present question, nothing more conclusive, both as to the meaning of the contract and the sentiment of the noble Viscount, than his reply to the noble Marquess on the occasion to which he had been referring; it was to this effect:—

> "But his Majesty's Ministers were blamed by the noble Marquess for having suffered Portugal to be invaded by a Spanish army. Now, what were the circumstances under which that invasion took place. The claimant to the Throne of Spain had taken refuge in Portugal, and around him were collected the band of disaffected persons by whom his pretensions were encouraged. It was clear therefore, that while he occupied such a position there could be no security for the Spanish Government, but still no attempt was made at invasion until Don Miguel had more than once rejected the respectful applications which were made to him to deliver the pretender up. If ever, therefore, one country had a right to enter another for its own protection, Spain possessed that right in the instance referred to. An absolute necessity existed for the course pursued by the Spanish Government, and that being the case, was it not the duty of the Government of Great Britain to take care that the intervention took place under the conditions of a treaty which would limit the parties from doing more than was really necessary for the accomplishment of the object which they had in view. This, in fact, was the main ground on which this treaty proceeded.*

He now put it to their Lordships whether anything could be more clear than that the treaty had been amply fulfilled when those two Princes were expelled from the Peninsula? As it appeared to him, the contracting parties could not, under the treaty at least, proceed further. So soon as Don Carlos re-appeared in the Peninsula, additional articles were entered into, but these articles contained no new reasons for further diplomatic engagements. He begged to read the preamble to those articles, which was as follows. After reciting the names of the contracting parties, and describing them as the same that signed the treaty of April, 1834, it proceeded to say, that these parties—

> "Having taken into their serious consideration the recent events which have taken place in the Peninsula, and being deeply impressed with the conviction, that in this new state of things new measures would become necessary for the complete attainment of the objects which it was the purpose of the said treaty to

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* Hansard (Third Series) vol. xxv, p. 952.

accomplish, agreed to the following additional articles of the treaty of April, 1834."

From this preamble, and from the additional articles themselves, copies of which were in the hands of noble Lords, nothing could be more apparent than that the expulsion of the two Princes from the Peninsula was the new object which the contracting parties had in view, though the reasons for the former treaty confessedly remained in full force. Now, it would appear, according to the new interpretation of the treaty, that the object was not merely to expel the two Princes alone, but by that expulsion, and by other means besides, to establish the internal peace of Spain. His Majesty, in the speech which he delivered from the Throne, in the month of August last, was advised to say, that—

> " He lamented deeply that the state of Spain still rendered that country the only exception to the general tranquillity of Europe, and he regretted that the hopes which had been entertained of the termination of the civil war had not hitherto been realised."

What! engaged in promoting the internal peace of a foreign land? He must be permitted to say, then, that that was the first occasion upon which this country had been engaged in anything of the sort. By the treaty it appeared, that his Majesty had undertaken to supply the Queen of Spain military stores and the aid of a naval force, but the Government even now admitted that no part of the treaty bound this country to continue its aid with the view of that aid not ceasing until the internal peace of Spain should have been re-established. The noble Baron opposite desired a large and liberal construction to be put upon the treaty; but would any honest man, having the use of his understanding, and taking the words in their common and legitimate sense, say for a single moment, that the species and extent of assistance given had been limited to the terms of the treaty—that it consisted merely in military stores, and in the aid of a naval force? A couple of brigs were sent out, the complement of marines to which would probably have been about forty or fifty, but if instead of that number 400 or 500 marines went to Spain, he felt satisfied that both Parliament and the country must see, that there was nothing of naval assistance beyond the fact, that the marines were carried in ships to the place of their destination; it was precisely equivalent to sending an equal quantity of infantry. On these grounds, then, he affirmed, that what had been done under pretence of carrying the treaty into effect was neither more nor less than a fraud upon the public and upon Parliament. It was a most material consideration to be borne in mind, that this country did not stand merely in the situation of a single party to the treaty; England was not the only party; England was not at libety to act as she might think fit, nor were we at liberty to put such interpretations as we might think proper upon the terms of that treaty, seeing that there were other parties to the engagement. He could not fail to rememember what had been said on the necessity of being governed by the spirit of the treaty, but so much stress being laid upon the mere spirit made him somewhat apprehensive that there existed a design to put an arbitrary and unwarrantable interpretation upon its terms. The King of the French was also a party to the treaty; but that Monarch did not put on the treaty any other than a precise and justifiable interpretation. He told his Chambers that he had scrupulously and religiously fulfilled in Spain the stipulations of the Quadruple Treaty. If England were entitled to put a larger interpretation upon the treaty than the King of the French had found himself warranted in putting, why did they not avow it at once? Why did they not announce to the Queen of Spain that they would do all in their power, and to stop at nothing, to promote the internal peace of Spain. The present Government in this country professed to proceed upon a principle of non-intervention. Spanish pride would not allow of intervention being used, therefore the favourite word was "co-operation," and yet in France they did not seem to think that there was much difference between the two; but in the Parliament of Great Britain the avoidance of the word "intervention" appeared to be so important, and phraseology altogether appeared to be of such moment, that a new word, "translimitation," was invented to serve the purposes of the Foreign Office. The French Government, however, knew too well the situation of affairs in Spain and the relative positions of the parties to the treaty to follow the example which England had set. The French Ambassador at Madrid—a very able man—wrote a letter, an extract from which he proposed to read to their Lordships, in which he described the nature and degree of the interference necessary to accomplish the objects proposed by his Majesty's Government. That letter was read in the course of a speech made on the present subject in the Chamber of Deputies in Paris, and was as follows:—

> "As the passions which the struggle of parties and the existence of civil war have excited cannot be calmed in an instant, it would be necessary that the French army, in order to consolidate its work, should occupy for a space of time, more or less extended, according to circumstances, the country to which it shall have given peace; otherwise the flame would indubitably spring up again, either in the provinces of the north, or in some other parts of Spain. The length of time for which this occupation should continue ought to be determined on beforehand, and in addition it should be stipulated most strictly, that the French troops should not quit the Spanish territory, even after the expiration of the time agreed on, unless after a deliberation held together by the two Governments, and not on the simple demand of the Spanish Government alone. An immensity of embarrassment to us, and of evil to Spain, had arisen from the liberty left in 1823 to King Ferdinand to put an end, at his own will, to the occupation of his country by our troops. The same fault must not again take place. Let us never forget that we should always expect constant caprice on the part of the Spanish Administration, and such caprice as might in a moment overthrow what we might have done for preserving the tranquillity of the Peninsula. We ought to take our measures in accordance with this view. I am naturally led by this state of circumstances to speak of the line of conduct that we ought to mark down for ourselves with respect to the Spanish Government. It evidently cannot, at least before the majority of the Queen arrives, overcome the difficulties which are inherent in her position and character, but in leaning for support on us. Our present co-operation ought not to be an isolated act, but the first step which shall take place in a new system. It is absolutely necessary, even while treating Spain as a perfectly independent state, to retain her many years under our guardianship. It is only by such a proceeding that she shall be enabled to undertake a real reform in her laws and her morals—to effect a calm in the violent passions which ferment in her bosom—and to prepare for herself a future condition of peace and prosperity."

With this,t he French view of the subject, the Government of this country was not content. How changed were times when the responsible advisers of the King of England appealed to, entreated, nay, were affronted with the French Government for not entering Spain and occupying it for several years! He did not mean to say but that the Government were led into all this, step by step, but he requested the House to look at the point at which they had at length arrived—that of, in effect, soliciting the interference of the French Government for the purpose of maintaining, or rather restoring, the internal peace of Spain. He would ask, did not that attempt to make ourselves responsible for the pacification of Spain amount to rendering us responsible for the acts of the Spanish Government, even though those acts extended to the confiscation of the property of the Church, the sending forth the inhabitants of the religious houses to beg, and driving them even to destitution and death? It was so throughout. Ministers had embarked in a scheme for obtaining an object which was unattainable under any circumstances, and which was certainly unprecedented in the history of this country. Their Lordships had heard a good deal from Ministers about their pacification of Greece. But how had they pacified Greece? They had drawn an arbitrary line—they had separated the population on the two sides of that line, and they had said, "You shall keep the peace; you shall neither of you pass this line, or if you do we will attack you." Their Lordships had also heard a good deal about the mode in which Ministers had settled the affairs of Belgium, though in point of fact the affairs of that country and Holland remained as unsettled as ever. There, too, they had drawn an arbitrary line, and had said, "Whoever passes that line, that party will we attack." But in this case they had said, "We will restore the internal peace of Spain," not by the expulsion of Don Carlos, supposing that they were able to effect it, nor indeed by another specific or definite measure. They had given the Government of Spain a mere gratuitous pledge of assistance; and if it were to be permanent under all changes of government, and they had already had one government changed, and an anarchical regime founded on military insurrection established in its stead, where, in the name of common sense, was their assistance to end? If their object were the restoration of internal peace to Spain, then in case the Government of Spain were avowedly a republic, as it was practically at present—nay, even in case Don Carlos were to be at Madrid, the treaty must go on indefinitely so long as a single smuggler was to be found in any corner of Spain. He mentioned this to show how vague, indefinite, extensive, and impracticable, the object of this treaty was. He contended, that we ought not to have mixed ourselves up in a war of which we knew little or nothing of the origin. What, he would ask, was the British interest, which bound us to such a vague, extensive, and impracticable treaty? The noble Baron had thrown out that it was some undefinable interest which bound us to unite our efforts with those of the Government of Spain, to establish in that country a free constitutional government, and to form a solemn league and covenant against the attacks of the northern Powers, in consequence of their continual encroachments, designs, and plots against all constitutional states. With such great objects in view, was the measure which the British Government took of their importance limited to a mere force of 400 marines? If it were the object of Ministers to establish in Spain a constitutional government, then ought they to spread wide their banner of freedom—then ought they to surround the country with the pomp, and to confer upon it the glory, of war, and not to deprive us of the security and tranquillity of peace. If Ministers were prepared to enter into a compact against the northern Powers—if the report were true, that an open declaration had been made to that effect by the representative of our Court at Madrid, and if they were really determined to combine against Powers with whom they were at present in intimate alliance, he hoped that they would not do it in this mean, paltry, furtive, and underhand manner. Let them proclaim to the world the course they intended to pursue, and then let them act in a manner worthy of it. He, for one, denied both the necessity and the policy of such a course, but it would at any rate be intelligible—it would meet with the sympathy of some, and with the reprobation of others, whilst at present their course was blamed by all parties. He must say, that from all the information which he had been able to obtain, it did appear to him, that the noble Lord had shown himself ungrateful for the forbearance with which he had been treated by the northern Powers—for, with all the Spanish lore, of which the noble Lord had proved himself to be a master, he thought he would admit, that the right of succession of Don Carlos was at any rate uncertain. For a century or more it had been certain, and though doubt had been thrown on it by his brother Ferdinand's decree, that very circumstance proved that it was still doubtful. What, then, was to hinder other persons from acknowledging Carlos as King, just as we had acknowledged Isabella as Queen? And if they had thought proper to acknowledge him as King, what was there to prevent them from engaging to assist him as King which did not prevent us from engaging to assist Isabella as Queen? He well recollected, that one of his Majesty's Ministers in the other House of Parliament had admitted the right of foreign Powers to do so if they thought fitting. With his usual complacency, he admitted that such might be the case; and with more than his usual complacency he added, that he did not care whether it were so or not. The noble Lords on the opposite benches had reason to be thankful for the prudence and forbearance of the Powers who had hitherto taken no part in this quarrel; and he believed that it was true that, if any ill-will existed at present on the part of those Powers to the cause of Queen Isabella, the existence of the Quadruple Treaty, and that alone, was the cause of it. The noble Lords might, however, some day find, to their cost, that those Powers were not inclined to carry their forbearance too far. One reason of the forbearance which they had hitherto shown might be the contemptible degree of assistance which we had rendered to our ally—he did not mean in character but in amount. They knew well that 400 marines could never expel Don Carlos from the throne of Spain; but if the manifesto, of which their Lordships had heard so much, were to be carried into effect, then the noble Lord might perhaps find that the northern Powers were not inclined to carry their forbearance any further. They might not be inclined to view with the same complacency which distinguished one of his Majesty's Ministers the occupation of Spain, even for a time, by a French army. He did not mean to say, that under some circumstances—indeed, he could conceive the circumstances—a more decided course even than that which the noble Lord had either taken or proposed to take, might not be justifiable; but those circumstances had not yet arisen, nor could it be desirable for this country that they should ever arise. Ministers had made this country parties, or rather auxiliaries, to a war in which, not only had we no interest, but in which it was not even pretended that either our safety or that of Spain was concerned. With us it was merely a question whether we should take a step to restore the internal peace of Spain, and for that step we had made ourselves a party in one of the most brutalising and demoralising wars that had ever disgraced humanity. He could not persuade himself that any war was justifiable which was not a war of self-defence, or which did not involve interests of such a magnitude as to bring it under that character. He was not, he believed, more squeamish upon such points than others, but he must say that, without any such cause, to make ourselves parties in such a brutalising contest was to incur a dreadful responsibility indeed. He knew that war was in many cases a necessary evil, and that the usages of civilised nations in depriving it of its brutality had deprived it also of half its horrors and half its criminality. But in this case, to join gratuitously in a contest characterised as this had been from its outset, was to incur a sin against him who "had made war to cease to the uttermost ends of the earth." He would recommend the noble Viscount at the head of his Majesty's Government to satisfy his conscience by restoring things to the state in which they were when his noble Friend near him (the Duke of Wellington) abandoned the Government. The noble Viscount was himself a frank speaker, and liked, he believed, those who spoke out frankly to him. He would therefore speak to the noble Viscount in the strains which he loved to hear. He would ask the noble Viscount frankly, what he believed the state of public opinion to be upon this subject? He did not allude to what had occurred a night or two ago in another place, where the noble Viscount's policy had been sanctioned by a majority of thirty-six voices, but he asked the noble Viscount whether in the country among all classes there was not a feeling of disgust arising from our having taken a share in a contest utterly unconnected with British interests, and carried on in a manner utterly incompatible with the honour of the British character? So much was that the case, that to his humble comprehension it appeared throughout the whole extent of the British Empire the only real approbation of this contest was to be found in Downing-street. He would go further and say, that murmurs as to its expediency and propriety were even heard there, and that the only real smile of satisfaction at its continuance was to be found in the secret recesses of the Foreign-office. The noble Earl concluded by stating, that he had expressed his feelings strongly upon this subject, but he felt strongly upon it, and he therefore trusted that he should meet the indulgence of their Lordships, if in the heat of debate he had trespassed longer than he ought to have done upon their time and attention.

The Earl of *Minto* rose, in consequence of the appeal which had been made to him by a member of his Majesty's Government, to answer the question which had been put by the noble Duke opposite, and also by the noble Baron who had opened the discussion. He would commence with the last first. The noble Baron had spoken of the British force under Lord John Hay, which he said was nominally under the command of that gallant Officer, but virtually under that of General Evans. He had asked whether the seamen and marines in the King's service might not be exposed to some fatal calamity, owing to their being in connexion with General Evans and the Spanish army? To that question he would reply, by stating distinctly that the King's forces intrusted to the command of Lord J. Hay had never been directly or indirectly, nominally or really, under the command of General Evans, or of any other officer in the employment of the Spanish Government. The instructions given by the Admiralty to Lord J. Hay were to act under their orders upon his own responsibility, and the assurances which they had received from that gallant Officer were to the effect that he had constantly done so. As to the risk to which it was said that his Majesty's forces were exposed in co-operating with the troops under General Evans, he had only to reply, that the assurance which he had for their safety was, that they were acting under the command of one of the best officers in the British navy, on whose prudence and gallantry the country might safely rely. With regard to the question of the noble Duke, his reply was short. The noble Duke had read an extract from the letter of a noble Lord, in which it was intimated that an armed British squadron had appeared in the Bilboa river, under the pretext of neutrality, and that under that pretext it had secured to itself protection from annoyance, whilst acting in the service of the Queen of Spain. He thanked the noble Duke for having given him an opportunity of setting him right upon this subject, and of telling him that there was not the slightest foundation for the intimation to which he had alluded. His Majesty's forces, seamen as well as marines, were acting openly in the Bilboa river as belligerents. [*The Duke of Wellington*—"As belligerents?"]—co-operating with the troops of the Queen of Spain.

The convent of Desierto was garrisoned by British troops, as was well known to the Carlists, on whom they were daily firing as often as they came within range of their guns. Moreover, our vessels and our boats, when sailing under British colours, and carrying communications between Bilboa and the sea, were fired on perpetually by the Carlists. There was no ground, therefore, for supposing that the officers and men of his Britannic Majesty's squadron sought protection from Carlist shots under the pretext of neutrality: for they appeared, he repeated it, openly as belligerents. The noble Earl who had spoken last, had spoken of the great number of marines attached to our small squadron. Now, he would beg leave to inform the noble Earl, that the number of marines embarked on board a squadron was always in proportion to the service for which, and not to the ships in which they were embarked. He had searched the records of the Admiralty, and he was not aware of any instance where a naval force was sent to act upon an enemy's coast in which a large number of marines had not been embarked. For instance, when the gallant father of a noble Lord on the opposite benches was sent with a fleet to Algiers, there was a larger force of marines than was usual embarked in his ships, under the command of a gallant Officer who now held a distinguished place in the House of Commons. Moreover, the force under the command of Lord J. Hay was much larger than the noble Lord supposed. There were two frigates on that station beside the brigs. The number of marines was, therefore, not so much out of proportion to the magnitude of the vessels employed as the noble Lord wished their Lordships to believe. Where military operations were projected on land, it was customary to attach to the ships of the fleets, not only a large force of marines, but also a considerable force of sappers and miners.

Viscount *Melbourne* believed that a misapprehension existed as to the doctrine laid down by the Duke of Wellington concerning the interposition of the French in the affairs of Spain in 1822. He denied that we had recently urged the French government to interfere in the concerns of that country. That was an erroneous notion. We had never urged the French government to any occupation of that country. He would candidly confess that he himself did not perceive any thing so very dangerous in such an occupation. It did not give the influence which was generally supposed. During the last war, the sovereigns of almost every country in Europe owed their crowns to our interference, and he should like to know what influence that had given to the British Government since the peace, or indeed what influence the British Government had at present. In saying that, he did not mean to admit—for he was not aware—that the influence of the British Government was less now than it had been since the termination of the war. He had been surprised to hear many of the noble Duke's observations on the constructions which ought to be put on the Quadruple Treaty, and he particularly referred to what the noble Duke had said respecting the second article of that treaty being inexplicable. He contended that the co-operation which we had recently given to the troops of the Queen of Spain was that sort of co-operation which was contemplated by the treaty. What was the meaning of the words "to assist and co-operate?" Was it not to further, by every means in our power, the objects of those with whom we were co-operating? He maintained, that had the noble Duke at this day been in command of the Spanish army, he would from that treaty have expected from the British fleet the same assistance which he had himself received from Admiral Penrose, when he was on the Bidassoa. With respect to what had been said respecting the safety of the seamen and royal marines under the command of Lord John Hay, he had only to observe, that he felt that they could not be placed in safer hands than those in which they now were, under the guidance of their present able, gallant, and discreet commander. He was sure that, under his command, their safety would not be unduly hazarded, or their honour in any respect compromised. The noble Duke had made an observation which had given him great pain, and on which he requested the noble Duke, who he did not imagine intended to cause him pain, to give him a distinct answer. The noble Duke had said, that the whole of these proceedings had originated in stock-jobbing; he hoped the noble Duke did not attribute such proceedings to the British Government. He hoped the noble Duke did not think that his Majesty's Ministers had any privity with those who had contrived those proceedings. The noble Duke, however, had expressed himself so strongly on the subject, as to leave an impression of that kind on the minds of those who heard him. If the noble Duke supposed that any stock-jobbers had had any influence with the Government in the measures they had adopted, then he (Lord Melbourne) had only to declare most solemnly, on the part of himself and of all his colleagues, that they had not been influenced by any motives of the kind which had been alluded to.

The Duke of *Wellington* was understood to repeat that we had no right to interfere in this contest in the way we had done. If the noble Viscount referred to what he had said, he would find that he (the Duke of Wellington) had stated the object of the treaty was a blockade. This was intended even after the month of August. He had not, and never could have, the least wish or intention to impute to the Government such motives as those to which the noble Viscount had referred.

The Earl of *Minto* begged to say, in answer to Lord Alvanley, that Lord John Hay was with the whole division of the marines when they covered the retreat of the British Legion and Spanish troops from Hernani. He was upon the ground, and present at every movement made by the marines; and every step was taken upon his judgment. He believed, in point of fact, that if it were necessary, Lord John Hay was, and always would be, present. Of course, his Lordship was the responsible commander, and the officers under him were responsible to him. He believed that the battalion of marines were never engaged but in his presence. With regard to another question which had been put by the noble Lord, there must, of course, in certain instances, be a communication between the two generals, General Evans was perfectly independent of the marines, and the marine battalion and King's troops were under the sole command of Lord John Hay. They were a separate force, under the sole command of Lord John Hay. He did not think this the most convenient course for adoption, but it was the only shape in which the King's troops could co-operate. He took it for granted that the general outlines of the operations were matters of arrangement amongst the different officers.

Lord *Ashburton* adverted to a charge which had been made against him of having said that peace could not be maintained for six months when the present Ministry came into office. He denied that he had ever said any thing of the kind. What he had said upon a question which had reference to Belgium in stating his opinion was, that the affairs of that country were not in such a state as to secure the peace of Europe. But nominally the government of Belgium was established. This was the substance of what he had said, and the prediction which he had made was one which he was proud of having made. He did not now think it necessary to waste their Lordships' time on this part of the subject, but he would advert to the majority on this question, of thirty-six, in another House. He believed that nearly two-thirds of the other House also entertained the opinion which was the unanimous opinion of the country in reference to this question. In the course of his recollection of Parliamentary proceedings (and he would appeal to the noble Viscount,) he never recollected a great debate like that which had just been concluded elsewhere, to pass over in the other House of Parliament, where the conduct of a government was arraigned, and a direct motion to arraign the conduct of his Majesty's Government.

Lord *Holland* rose to order. The noble Lord was out of order in alluding to what had occurred in another House of Parliament. But not only did the noble Lord allude to the debates in the House of Commons, but he was about to enter into a disquisition on the conduct of its Members.

Motion agreed to.

HOUSE OF COMMONS,

Friday, April 21, 1837.

MINUTES.] Bills. Read a first time:—Marriages and Registration Act Amendment; Turnpike Roads' Continuance Bill.

PRIVILEGE.] Lord *John Russell* rose to bring forward a motion relating to the privileges of that House. A report had been made to the House from the select Committee on the Poor-law Amendment Bill, stating that parts of the evidence, and parts of the documents produced before that Committee, had been published in *The True Sun* newspaper. Had the publication been one of an ordinary nature, he conceived there would have been no difficulty in proceeding according to the ordinary forms and privileges of the House, and, without entering into any details on the subject, to direct at once, as in the case of the proprietor of *The Dublin Evening Mail*, brought before the House on the 31st of May, 1832, that the party offending be taken into the custody of the Sergeant-at-arms. But, in consequence of the declaration of the hon. Member for Southwark, who was instrumental in procuring the publication of the proceedings of the Committee in *The True Sun* newspaper, he could only suppose that the hon. Gentleman, by taking part in the proceedings, and by avowing it, wished to bring under the consideration of the House the question of privilege—whether it were a privilege of the House or not, and whether, being a privilege of the House, it ought to be maintained. It was in consequence of the part that the hon. Member for Southwark had taken, that he felt it necessary, instead of proceeding in the ordinary course—seeing that a Member of the House wished to bring the matter under the consideration of the House—that they should come to some resolution that should embody the sense of the House on the subject. The resolution, that he should have the honour to move, stated not only that according to the undoubted privilege of the House no such publication could be permitted, but it stated likewise, that for the due protection of the public interest, no such publication ought to take place either by a member of the Committee, or by any other person. And he was ready to say, that he placed that resolution upon the ground not only of the ascertained and undoubted privilege of the House, but likewise upon the ground that those privileges were for the protection of the public interest. He would state two or three cases in illustration of that assertion. In the first place, he would mention a case which occurred with respect to an inquiry relating to the affairs of Canada before a select Committee of that House, and in which, though he was not a Member of it, but as he understood, various documents were produced for the information of the Committee. At the close of the Committee, it was resolved, that those documents should not be presented to the House. Another case, which he thought illustrative of that now before the House, occurred in the instance of the finance Committee, of which also he was not a member, but before which the Duke of Wellington was examined as a witness. The noble Duke's evidence, which was extended to a very considerable length, related to the means of the military defence of our colonies and dependencies. The noble Duke might be very willing to give that evidence to the Committee—it might be of great importance to the Committee to enable them to make up their minds with respect to the question before them—but, at the same time, it might be very inexpedient that the particulars of that evidence, or the statement of the Duke of Wellington with respect to the particular means of defending particular parts of our possessions, should be reported generally to the House, and thereby made public to all the world. There was one other case of a very different sort to which he would just call the attention of the House. It was the case of a Committee of which he was a member, namely, the Committee which sat to consider the subject of the renewal of the bank charter. Before that Committee some of the witnesses, and Mr. Rothschild in particular, stated, in support of the various opinions they gave, transactions of a strictly private kind. Mr. Rothschild, for instance, mentioned several private transactions of his with respect to the transmission of bullion, and also much of his affairs of a private kind with certain merchants in London and Paris. These were matters which Mr. Rothschild said, he had no hesitation to state for the information of the Committee, but, being of a private character, he did not wish them to be reported to the House. What he submitted to the House then was this—not only that it was not expedient in such cases that such evidence should be reported to the House, but that if it were decided, that all evidence taken before a Committee should be published, Committees would thereby be debarred from receiving evidence useful for the public interests, and prevented from obtaining information upon which their ultimate opinion might be formed. In the case of the Canada Committee, for instance, secret despatches were produced by the Secretary for the Colonies, which tended much to govern the decision of the Committee, but which could not have been produced if they must necessarily have been made public. So also in the case of the finance Committee. A military commander, like the Duke of Wellington, might hesitate to state facts with respect to the military defences of any part of our colonies, or any part of our possessions, if next day the whole of those facts were to appear in the public journals. In like manner, an individual like Mr. Rothschild might hesitate to state matters relating to his private affairs, if he knew the moment he stated them that they would be sure to appear in the newspapers of the following day. He wished not to debar the public from this information, but to preserve to Committees of the House the means of obtaining such information. It was upon that ground, therefore, and for the public interest, that he wished to preserve the privileges of that House, which, as he was always ready to admit and acknowledge, ought only to be preserved and maintained upon the ground of their being favourable to the public interest. He would not allude any further to the resolution which he intended to propose; but he would say one word with respect to the amendment of which the hon. Member for Southwark had given notice, and which was to this effect—that the Committee upon the Poor-law Amendment Act, be directed to report the evidence taken before them from day to day. Now, he ventured to submit to the House, that the question he brought forward was one seriously affecting the privileges of the House, upon which they ought to come to a decision one way or the other—either that the privilege of the House should be maintained, or, if its maintenance did not tend to the public interest, that it should be abandoned. His objection to the hon. Member's amendment was this, that it did not deal with the question of privilege in any way, but tended only to put it aside, and to deal alone with the question of the expediency of the Committee being henceforward directed to report from day to day. It might, no doubt, be argued that the Committee ought to report from day to day, and, on the other hand, it might be contended that the rule they had hitherto adopted of reporting from time to time was the better one to observe. These were matters of convenience; and it was at any time competent to the Committee, if it thought proper, to ask leave to report from day to day. It was, also, competent to the House if it thought fit to instruct the Committee to report from day to day. But that, he repeated, was a mere matter of convenience, and had no relation whatever to the question of privilege. If the House agreed with him, that this privilege of preventing the publication of proceedings before Committees under certain circumstances tended to the public interest, he hoped they would vote with him in maintaining it. If, on the other hand, the House thought that the privilege did not tend in any way to the public interest, and that the publication of the proceedings ought to be allowed either to a member of the Committee, or to any other person, then, of course, they would negative his resolution; but he submitted that they could not enter into a debate on the amendment, which related to a totally different question, and had no relation whatever to the privileges of the House. With these observations, he begged to move the following resolution:—"That according to the undoubted privileges of this House, and for the due protection of the public interests, the evidence taken by any select Committee of this House, and documents presented to such Committee, and which have not been reported to this House, ought not to be published by any member of such Committee, or by any other person."

Mr. *Harvey* said, that the noble Lord had greatly mistaken the motive which had induced him to suggest an amendment, when he supposed that it was to evade the operation of a principle. Quite the reverse. If it were, as the noble Lord had contended, the undoubted and the universally acknowledged privilege of that House to prohibit the publication of evidence taken before Select Committees, whence the necessity of the resolution now moved? Apparently it was Parliamentary law as palpable as that they were legislators. If that law had been violated, there was a penalty for it; and whoever had incurred the penalty ought to be exposed to it, and be made to bear it. He was quite willing to do so if he had violated the law. Therefore, let it not be understood that he moved this amendment for the paltry purpose of evading a principle. He denied the terms of the motion when it was stated that the suppression of evidence was the privilege of that House, and at the same time, the interest of the public. It asserted two distinct propositions—first, that the House had privileges; secondly, that it had privileges apart from the interests of the public. He denied, that that House had any privilege apart from the interests of the public. Every privilege that the House possessed it possessed solely for the good of the public. But he did not understand exactly what was meant by the term "Privileges of the House." "Privilege," as he conceived, meant something that was conferred—something that some enjoyed, and from which others were excluded. It implied, therefore, the power of conferring. Now, it was impossible for Parliament to have any privilege conferred upon it; because its Members being the representatives of the people, were in themselves the people, and inasmuch as that they were the origin of all power, so was it clear that they could confer no privileges upon themselves. But the noble Lord connected the privilege with the interests of the public. He confessed it was a matter of great regret as well as of surprise to him that a Government professing popular principles and a respect for popular rights should have thought it discreet, through the leader of that House, for the first time to assert a great principle, under the pretence of protecting the rights of the people, at the very moment when those rights appeared to be placed in the greatest peril. If the noble Lord were proposing to the House that the Committee on the Poor-law Amendment Act should cease to be a Select Committee, and be converted into a Secret Committee, the precedents to which he had alluded would be abundantly in point. The very fact of there being two distinct classes of Committees, public and secret, implied that there might be circumstances, rare but strong in themselves, to make it incumbent on the House to enforce the distinction. He (Mr. Harvey) could fully understand that, when the Duke of Wellington was examined before a Committee as to what the military defence of the country or the colonies should be, that that inquiry might take place under circumstances and at a time when the slightest publicity of the evidence obtained from such a quarter would be to strengthen the enemies of the country and prejudice the public interest. But the Committee before which the noble Duke was examined was not a public but a Secret Committee—secret under the highest guarantee that honour could invoke. The same observation applied to the Finance Committee, before which a great part of the proceedings were carried on by symbols known only to a few. But if the noble Lord had inundated the House with precedents of that kind, if he had brought forward an ocean of cases, not like those he had quoted, but of another kind, where this right was clearly asserted, and its utility made manifest, he should take no heed of them; because he was ready to maintain that the Poor-law inquiry was an inquiry peculiar to itself. Who were the parties composing the Committee? On the one hand there was all the property of the country, in every variety and form, aggregated to support a measure peculiarly framed for its interest and protection. Who were the other party? All that was pitiable and miserable in the land, sunken alike by ignorance and extreme poverty. The law that had been passed affected this latter class of persons in a degree which he would not trust himself to state, but which had been told in the Committee, and of which something yet remained to be said. Therefore, he regretted that the noble Lord had seized an occasion on which the rights and interests of the unfortunate were the peculiar objects of the inquiry before the Committee. If all other Committees of the House had been Secret Committees, he maintained that this Poor-law Committee ought for the first time to be an open and public Committee. See how it worked. Who were now before it? There was before that Committee, day by day, one of the most active and vigilant bodies of men—the authors, framers, and executioners of the Act; there were the Poor-law Commissioners—there were the Poor-law Commissioners' assistants—there was the whole establishment of Somerset-house—There was the active and intelligent Secretary—all sitting day by day; and beyond these the Committee had every resource it could require for the purpose of effecting its object. The Commissioners and their assistants sat there day by day taking minutes of what passed, and adapting the inquiry and the evidence they produced upon it to what they had heard stated. What was the condition of the other class—the unprotected and oppressed millions? Evidence was given before the Committee, affecting not only their little fortunes, but every thing that belonged to their character and history — The names of men were brought before the Committee, of whom it was said that so far from being prejudiced by the operation of the Poor-law Bill, they had been greatly benefitted by it, and were in a state of perfect contentment. There were 123 men whose names had been so brought forward? How were they to know what had been stated of them? How were they to know any thing of the proceedings in which their interests were so deeply affected, except by frequent and repeated publications? It was a mockery to say that the poor man might consult the printed reports of that House.—What time had the man who, to earn eight or nine shillings a week, was compelled to work from sunrise to sunset—what time had that man to wade through printed reports of many thousands of pages?—Looking, indeed, at the sad testimonies of emaciated forms which had appeared before the Committee, he much doubted whether many of them would be sufficiently strong to bear home such bulky volumes, even if they ever had the means of getting them into their possession, or time to peruse them. How then was the working man, far away from places of public resort, and chained to the soil upon which he dragged out a miserable being, to become acquainted with what took place except through the newspapers? It was to be observed that there was no imputation that the reports published in the present instance had been garbled. The only imputation was, that they had been published some short time before the Committee of the House thought fit to authorise their publication. It was the more necessary that immediate publicity should be given to these proceedings, looking at the disparity of members upon the Committee who were the advocates of the law, and those who contended for substantial alterations. Of this latter number there were only four in a Committee of twenty-two. The right of giving immediate publicity to the proceedings of all the law courts in the kingdom, from the highest to the lowest, was ceded in every instance, often whilst most important questions—questions affecting the life or death of a fellow being—were pending. Why, then, should the right be refused in Committee of the House of Commons? The noble Lord had not uttered a syllable to show that the publication of which he complained had had any pernicious effect. On the other hand, he (Mr. Harvey) contended that the effect of the present motion, if carried, would be most injurious and unjust to the poor throughout the country. In his opinion, the Committee, as at present constituted, could not lead to any good. To be efficient, it should be an ambulatory Committee, holding its sittings in the work-houses of the great unions, and taking evidence upon the spot from all persons interested or concerned. He knew that parties whose interests were deeply affected by the Poor-Law Amendment Bill were actually afraid to come up to be examined before the Committee, because there prevailed such a spirit among those who were benefited by that measure, and who were endeavouring either to bolster up their rents, or to obtain the means of paying their rents, by squeezing the utmost that was possible out of the labour of the people. There were exceptions; and he mentioned it to the great credit of the clergy, that more than one clergyman had been examined, who had given their evidence with a fairnes and frankness which reflected honour upon them as Christians and men. But these instances were rare, and it was utterly impossible that the object of the inquiry could be effected unless some mode were pursued by which the practical working of the Bill could be more efficiently examined. But as his Majesty's Ministers had negatived the proposition which he had made, that the Committee should be ambulatory, the only alternative was to publish from day to day what was passing before that Committee in Westminster. But it was said, "You will have the evidence from time to time." No such report had been published since the holidays, although the Committee had been sitting six days, and it would be impossible to give that evidence in less form than in six large sheets of *The Times* newspaper. Who was to read such a mass of print? and how was such an accumulation of matter to find its way into the quiet hamlets of the country? In what way were the agricultural labourers to be put in possession of it? Every question that had been put and every answer that had been given in the Committee bore most peculiarly on the humble fortunes of those people. Besides, how could they expect a poor man to pay so large a portion of his earnings for such a mass of printed matter? It was in evidence that those whom they were wont to call their country's pride, could not earn sufficient bread upon which to subsist. One man stated that he had not had more than three pennyworth of bacon a-week for himself, wife, and children, for the space of three months; and when he applied for relief he was told, that until he sold all his implements of trade he could not be relieved; and this man was actually compelled to sell his saw in order to entitle himself to assistance. Were these the men to buy the broad sheet of the *Times* or *True Sun?* The evidence ought to be published in a cheap form, and as Ministers had no objection to commissions, let them appoint Commissioners to disseminate these publications, in order that the people might know in what way that inquiry was carried on in which they were so deeply concerned. As far as he himself was concerned, if he had violated the rules or privileges of the House he ought to be subject to the penalties of that violation; but he begged to say that if he was to be interdicted continuing the publication of this evidence he should decline altogether to be a Member of the Committee. He could not sit down without making one observation—namely, that this was not the only proceeding which had been taken in that House which had a personal origin, and a personal application to himself. Was this the first time, he should like to know, of a publication of this sort, but of which no notice whatever had been taken? It was hypocrisy to talk of it. What real means of protection had the House against publicity? There might be a hundred people in the Committee-room taking private notes; what was to prevent their dispersing them in the provinces? Hon. Members, too, might write letters, and make copious extracts from the evidence; in fact, they might be doing anything but that which was honest. He charged this Committee with a breach of that principle for which they seemed so sedulously alive, and that in a way which invoked reprehension; because, if the people were not allowed to be present, what right had the Poor-law Commissioners to be there? He pledged himself the very next day the Committee sat, if the Commissioners should be present, to move that they should be excluded. To allow the Commissioners to be present taking notes, and sending letters into the country, in order to get up evidence, at the same time that others were prevented publishing the evidence, was not merely a mockery of justice, but was an insult to the people of England. If those who were the guardians of the people's interests were to be interdicted from any intercourse with those who were effected by the inquiry, what right had any individual to have the slightest conversation, directly or indirectly, with any party on the other side? It was said there was a difference between publishing the evidence in the newspapers and writing confidential letters about it, but he did not understand this affected secrecy. Either the public had or they had not a right to know what passed before the Committee; and if they had not, then any communication, however secret, was a violation of the law, and ought to be treated criminally. He hated all evasion. He was now contending for the utmost publicity in a case in which unprotected and uncommiserated millions were concerned; and unless that publicity were given fairly, honestly, and fully, he would at once denounce the inquiry to be altogether fallacious, and one which would terminate in utter disappointment. He begged to tell the noble Lord that he should proceed in the discharge of what he deemed to be his duty in publishing the evidence. He heeded not any penalties they could inflict, whether they consisted in sending him to take up his quarters in Newgate, or in expulsion from the House. He would brave both if necessary; he was determined to have the principle decided, whether the public had or had not a right to know what was passing before a Committee of the House of Commons upon an inquiry affecting the lives and happiness of millions of the industrious classes. He would now conclude by moving the amendment of which he had given notice; at the same time he was not anxious to press it now, if the noble Lord would say, that he was prepared to support the amendment as a substantive motion, because he had no desire to evade a discussion on the grounds of the noble Lord's abstract proposition; but if he (Mr. Harvey) could not secure that, he should feel himself compelled to pursue the course which he was now taking, with a view to effect an object which he felt it to be his bounden duty, by all means, if possible, to obtain. The hon. Gentleman then moved, by way of amendment, "That the Select Committee appointed to inquire into the administration of relief to the poor, under the orders and regulations of the Commissioners appointed under the provisions of the Poor-law Amendment Act, be instructed to report the evidence taken before them from day to day to the House.

Mr. *Wakley* seconded the amendment.

Mr. *Smith O'Brien* was anxious, that the greatest facilities should be afforded to the publication of the proceedings before the Select Committees of that House; for it appeared to him, that the value of an inquiry by a Committee, would be extremely deteriorated, as regarded the effect it would produce on the public mind, by the circumstance of the evidence not being communicated to the public from time to time, especially when the subject of the inquiry was calculated to excite a public interest. He considered, that the proceedings of this Committee were such as it was peculiarly incumbent on the House to make public, as the question was one of the greatest interest to the whole community. It had been his intention, if no other amendment had been moved, to have proposed as an amendment a resolution to the effect, that it was expedient that the publication of evidence taken before Select Committees, not being Secret Committees, should be permitted. But the hon. Member for Southwark having already moved an amendment, he had no alternative but that of giving it his support.

Mr. *O'Connell* said, that having intimated an opinion that he should move an amendment almost similar in terms to that suggested by the hon. Member for Southwark, he felt it his duty to trespass for a few moments upon the attention of the House. The resolution of the noble Lord appeared to him to be totally unnecessary. He remembered, that in the case of General Darling, which was before a Select Committee, the majority of that Committee licensed (as far as they could do) the publication of the evidence. The minority appealed to the Speaker of that day, and he gave it as his opinion, that there was no such thing known to the law as the publication of any evidence or discussions of matters undecided by that House; and, certainly, they all knew that it was a breach of privilege to publish even what was, at the present moment, going on in the House. Yet it was a breach of privilege which took place every day, and all of them would regret exceedingly in their turn, if that breach of privilege did not take place. It was therefore difficult to deal with the Motion itself, while it was also difficult to negative any vote of the kind, if the opinion to which he had referred, was correct; because, certainly, cases might arise, such as the noble Lord had adverted to, when it might be improper to apply the general rule of publication to such excepted cases. But he was of opinion, that those excepted cases might be very well left to the discretion of the Committee itself. He was, however, strongly of opinion, that publication, as a general rule, would be highly beneficial. He did not think the hon. Member had accurately stated the rule as to the publication of proceedings in a court of law pending a trial, because the judges had latterly been in the practice of prohibiting such publication. He thought the judges were wrong; and that the prohibition did no mischief. It was a modern power assumed by them. In the year 1794, when there was a great conspiracy to get rid of the Reformers, a trial took place which lasted eight days. The evidence, during the first three or four days, was published, which led to the discovery of facts with regard to the character of certain witnesses that tended materially to serve the cause of the accused. He thought, with respect to proceedings in courts of justice, it was favourable to have the evidence published; but he was quite convinced it was so, with respect to Committees of that House, where persons did not speak under the sanction of the oath, and where the utmost latitude was given, both as to the questions asked and the answers given. In reference to the evidence of the Committee on the Poor-law Amendment Bill, he conceived that there was every ground for affording to it the utmost publicity. The House, perhaps, might recollect, that he himself voted against that measure in all its stages; he had, however, since, become convinced that he was exceedingly wrong in having taken that course. He believed, that if time were given for it to be worked out, it was calculated to do great good. The hon. Member for Southwark appeared to him to be assuming too much, when he called himself, by way of distinction, the friend of the poor man. He thought, that every supporter of the Poor-law Bill had as good a right to be considered the friend and protector of the poor man as the hon. Member. Indeed, he considered this was just the case in which every publicity ought to be given, so as not to afford the slightest pretence for any one, to say, "Oh! you are getting up an *ex parte* case; I won't be a party to the delusion; I will throw up my brief." He did not mean to say, that the hon. Member for Southwark was not actuated by the purest motives, but the pretence he had described might be made, and he believed would be made, with a view to exasperate the public mind. It had been said, that this was a packed Committee. But was that true? He believed there was no Member on that Committee, who would either cause improper evidence to be given, or proper evidence to be suppressed. The Poor-law Bill was not a party measure, but was supported by Gentlemen on both sides of the House; and none had ever yet shrunk from the avowal, that they gave it their support; therefore, it was just that kind of measure which the House itself was concerned in having the fairest, fullest, most ample, and most unobjectionable investigation with respect to it. On Monday, the question of a Poor-law for Ireland would be discussed, and he should be pleased to have all the evidence he could from the Committee now sitting. It would enable the House to do their duty more efficiently, when a system of Poor-laws for a country which had hitherto no experience of the kind, was the subject of discussion. The

Amendment of the hon. Member for Southwark, if not adopted by the House, was one which ought to be taken up by the Committee, to afford the country information upon a question which had already been the subject of so much misrepresentation. It had been made a topic at elections. They all knew what had recently occurred at Warwick. It was the principal war-cry of one Gentleman who went to Warwick avowedly to sustain the principles of a party, the leaders of which party had actually supported the Bill in this House. Therefore, it was absolutely necessary that the public should have an accurate knowledge on that subject. Let the advocates of the New Poor-law challenge investigation, let them take a lofty stand upon this —that the more there was of inquiry, the more there was of investigation, the more would the truth appear; and if the truth were against them, let them at once repeal or modify the law; but if the truth were with them, then the measure, no matter how distorted and misrepresented in its progress, in its ultimate results would, and must be, triumphant.

Sir *James Graham* was glad that he had given way to the hon. and learned Gentleman, for although he did not think that this was exactly the proper time for discussing the Poor-law Amendment Bill, yet he rejoiced that he had given the hon. and learned Member the opportunity of making a declaration so honourable to himself, that although, perhaps, at this particular juncture, and at the earliest stage of the experiment of the amended Poor-law, that measure had not been altogether properly administered, and although the hon. and learned Member had opposed that measure in all its stages, yet he had now gallantly and publicly come forward and avowed, that even during the short time he had witnessed its workings, he believed it to be a most beneficial measure. He thought that such an avowal from that hon and learned Member would be most advantageous to the country, and he therefore greatly rejoiced that he had given way to that hon. and learned Member. The hon. and learned Gentleman entertaining that opinion, said, that it was a measure that would bear investigation; but, on the other hand, it would be admitted that that investigation for the purpose of eliciting truth, must be conducted upon principles of the utmost fairness and safety. The question then arose, what was the safe and fair principle? The hon. and learned Gentleman thought, it ought to be left to the discretion of the Committee. Upon that point he differed in opinion from him. The Committees were guided by the established usage of Parliament; therefore, whenever a departure from that usage was made, it should be by the House itself. Some confusion seemed to have arisen between a secret and a select Committee. He knew of no distinction except this: that while in a select Committee all the Members of the House had a right to be present during the investigation, though those only appointed by the House had voices, in a secret Committee no Member was allowed to be present who was not a member of the Committee. But with regard to the public, both Committees stood upon precisely the same grounds; and any publication of proceedings that took place before either, without the sufferance of the House itself, was decidedly a breach of the privileges of the House. It was said, that the resolution of the noble Lord was unnecessary: and if he were called upon to answer that question categorically, he should say he thought it was unnecessary; still he thought a declaratory resolution was highly expedient; he should therefore cordially support the proposition of the noble Lord. He could not conceive anything more cruel than to publish, day by day, evidence taken before a Committee deeply affecting the private character of individuals, and to which there was no opportunity of furnishing an immediate reply. It had been said, that in the courts of law the proceedings of part of a trial were allowed to be published where the case stood over to the following day. This, however, was by no means uniformly the case, for the court often forbade the publication of proceedings until the whole case was gone through. But even if this was not the case, he did not think that it should be binding on that House. It should be recollected, that the evidence taken before courts was given in conformity with the strictest rules of evidence; whereas, indirect, *ex parte*, and hearsay evidence was taken before select Committees, and leading questions were put, and the examination was carried on in every manner calculated to bear on the subject. The Committees also broke up at ten minutes to four o'clock, in the middle of the examination of a witness. Now the evidence might contain the strongest accusations against private persons, and yet they would go forth uncontradicted until the next time the Committee met, for the cross-examination would be prevented at the time the evidence was given. It would be too much, therefore, to allow such evidence to go forth, regardless as to its truth or to its bearing on the real merits of the case. The hon. Member said, that he would have the evidence in such parcels as were best calculated to give the best information. This was the view the majority of the Committee took of the matter when they supported the motion that the evidence should not be reported to the House day by day, but from time to time; for instance, when the whole evidence relative to any particular union had been given on both sides. This was the wish and intention of the Committee, and they adopted this course for the purpose of disabusing the public mind, as to the statements that had gone forward on the subject of the new Poor-law, and also before the evidence assumed that bulky shape which deterred many persons from reading reports of Committees. They had pursued this course in the reports they had laid on the table of the House, of the evidence taken before them. He did not think that the hon. Member for Kilkenny was aware of what had taken place before the Committee, he inferred this from the tenor of the observations of the hon. and learned Gentleman. The Committee had been most anxious to prevent an appeal to the House on this subject, but it was forced on them. There had been a great difference of opinion before the Committee, but he hoped that there had been nothing of personal anger or hostility. He believed that the hon. Member for Southwark had stated to the House that he was the proprietor of *The True Sun* newspaper, which published from day to day part of the evidence taken before the Committee. The chairman of the Committee called the attention of the hon. Member for Southwark to the subject, but the publication of the evidence still went on. The hon. Gentleman was then informed by the highest authority, namely, the Speaker, that such publication of the evidence taken before the Committee was an undoubted breach of the privileges of that House. The hon. Gentleman was then told by the chairman of the Committee that if he persisted in the publication of the evidence day by day, that it would be necessary to call the attention of the House to the subject; but the hon. Member stated, that he had taken a view of what he considered to be his duty, and he should persist in following that course which a sense of duty dictated. With this feeling the hon. Member published not the whole of the evidence given each day, but only extracts from it; and he (Sir J. Graham) must be permitted to say that they were not fair extracts, for many very important parts of the evidence were entirely omitted. Documents were also published which had been submitted to the Committee, and respecting which, doubts were entertained whether it was expedient to receive them or not as evidence. He had himself proposed that the question should be reserved for future consideration, as to whether the documents should be received or not as evidence. This was done because doubts were entertained whether the documents in question should be placed on the minutes of the Committee. The Committee adopted this resolution; but within forty-eight hours of their coming to the determination that the documents should be reserved for further consideration, which was carried against the proposition of the hon. Member that they should at once be received as evidence, the documents appeared in *The True Sun* newspaper. Thus the hon. Member, by the power he possessed, superseded and overruled the opinion of the Committee, which had not determined whether any portion of the evidence or documents laid before it should be printed and published. The hon. Member, in the course which he had adopted that night, had endeavoured to raise two questions entirely distinct the one from the other. He could conceive under the circumstances of the Poor-law inquiry, great anxiety prevailed as to the nature of the evidence, as well as to the importance of the subject, and that the publication of the evidence was anxiously looked for. If the hon. Member was dissatisfied with the decision of the Committee, a motion for the publication of the evidence day by day should have been made in the House, and thus the matter would not be left to the discretion of a Committee. The House would then state whether, under the circumstances of the case, it was expedient to report the evidence day by day. If such a proposition were made, he should certainly endeavour to induce the House not to consent to it. He could well conceive that a Member might entertain such an opinion, and desire to have the evidence printed from day to day; but still, a Member entertaining this opinion, might think that the privileges of the House should be maintained. The one question then, was, whether that House would assert its privileges, and, asserting them, would maintain them, however painful to enforce them in the unpleasant manner that the indiscretion of any party might render necessary. The other question, which was entirely distinct from this, was whether a publication of the evidence of this Committee from day to-day should or should not be allowed. With respect to the former question, if a majority of the House should decide not only that their privileges should exist, but that they would exert them, it would then remain to be seen what course should be pursued with respect to an hon. Member, who stated that he would not bow to the authority of the House itself. If they consulted their own dignity, and, what was more important, the cause of truth, the House must take care that in carrying on this inquiry, the evidence was published impartially and fairly. There had been expressed various doubts and threats, but they were too vague to be realised. The House, therefore, should at once come to the determination as to whether or not it would maintain its privileges. The question they had then to determine was, not whether the Poor-law Committee should be called upon to report the evidence taken before it from day to day, but the great question which should not be blinked, was, whether the evidence taken before a select Committee, and the documents laid before it, should be published by any member of the Committee against the decision of that Committee, and against the orders of the House.

Mr. *Harvey*, in explanation, said, that so far from saying that he was prepared to withstand the authority of the House, he distinctly stated that it was not likely that a Member of that House would oppose himself to the authority of the body of which he was a Member. He also said, that he should not be deterred by any threats of being sent to Newgate, or of expulsion, from pursuing that course which a sense of duty dictated to him. The right hon. Gentleman said, that it was something like a breach of the privileges of the House to publish documents in a state of abeyance before a Committee. The fact was this, Mr. Hawley, one of the assistant Poor-law Commissioners, was allowed, the day after he gave his evidence, to read it over for the purpose of correction, and also that he should produce a document for insertion in it. Now, instead of producing the single document that he had read to the Committee, he produced a second paper, which he stated was essential to the inquiry. He was asked whether these documents had been read to the Committee. He replied that one of them had been read, and the other was a return which he thought it was necessary should be put in. On looking over this document, the right hon. Baronet wished to have it withdrawn; but on his (Mr. D. W. Harvey) seeing the paper, he was at once convinced of the importance of it and proposed that the two documents should be printed. The right hon. Baronet proposed that the second document should be printed for the use of the Committee only, and the Committee divided, for the motion 11, against it 5.

Sir *James Graham* should be sorry to be guilty of any want of courtesy to the hon. Member; but he could not help observing, that he considered truth to be of more importance than courtesy. It was true, that in the first instance he proposed that the document should be printed for the use of the Committee only; but on a moment's reflection he withdrew his motion, as he anticipated something like the course that had now been pursued.

Mr. *Hume* was accustomed to look upon the privileges of that House as framed for a wise and salutary purpose, and for the public benefit. With respect, however, to the rules adopted as to the publication of their proceedings, he must say, that one of the rules which was adopted at the commencement of each Session against the publication of the debates and proceedings of that House was of a most objectionable nature, and he had taken many opportunities of expressing his opposition to it. The motion of the noble Lord was, "That according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any Select Committee of this House, and documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee, or by any other person." He considered this resolution to be objectionable on many grounds. He would put it to the House, whether it was not inconsistent to provide accommodation for individuals to commit a breach of their privileges, and to allow them facilities to take notes to report the proceedings of the House. At any inquiry at the bar of the House the evidence would be taken, and published from day to day.

It had been the custom for strangers to be present during their proceedings, and during his time he had never heard of their being turned out. He also never recollected a period when it had been treated as a breach of privilege to publish the evidence taken at the bar of the House. He wished to know whether the House would allow these proceedings to be published from day to day, while the publication of the evidence taken before a Select Committee, to which the House delegated its entire powers, stated that the evidence given before it should not be published. Before anything could be published by the House, it was necessary that there should be the fiat of the House, and the Speaker, but still the publication of the proceedings, without that sanction, was not regarded as a breach of privilege. No reason had been given against the publication of evidence taken before a Committee, unless it was, that evidence affecting private character might be given before it. But in examination of witnesses at the bar, the inquiry was often postponed in the middle of an examination or of a cross-examination. Again, the right hon. Gentleman must know, that although the Committees nominally adjourned when the Speaker took the Chair, that in reality the invariable custom was to complete the examination of a witness, although it might last half an hour or an hour after four o'clock; the only check on this practice was, that no division in a Committee could take place after the Speaker took the Chair, and therefore if an occasion to do so arose, the Committee adjourned. He did not see any reason why a distinction should be drawn between the proceedings of the Committee of the House, and a Select Committee up stairs. He was of opinion, that in any case, except Committees of Secrecy, they should allow of the publication of the evidence. He was a Member of the Finance Committee, and he recollected the evidence given by the Duke of Wellington on the subject of the military expenses of the colonies, and he regretted that that evidence had been kept secret. If it had been published he was sure that it would have prevented the expenditure of two millions in Canada on the canals there. He had moved that the evidence taken before the Poor-law Committee should be reported from day to day, and he regretted that that motion had not been carried, for he feared that it would be considered an attempt to suppress the evidence taken before it. Although he took a different view of this Bill from the hon. Member for Southwark, he still thought that it was only just that there should be the fullest inquiry into its operation; and he had no doubt if this was done, and the fullest publicity given to the evidence, much of the misapprehension which prevailed relative to this Bill would be got rid of. If ever there should be an exemption as to the general rule respecting the publication of evidence, it should be in this case.

Mr. *Williams Wynn* agreed with the right hon. Member for Cumberland, that the two motions were perfectly distinct, and were not in opposition the one to the other. It by no means followed that because they felt that the rules and orders of that House called upon them to support the first motion, that the second question could not be put separately and agreed to. The great point was, that that House should reserve to itself the right to regulate the proceedings of select Committees. The Committees could have no authority that did not emanate directly from the House, and it was only by a special rule that a Committee was enabled to send for a single witness, or call for a single document, for they could not do so until they were empowered to send for persons, papers, and records. In the same manner, it must have permission given it to adjourn from place to place, and to report its evidence from time to time. That power had been granted to the Poor-law Committee, and it was left to their discretion to take what they considered the best division of the evidence for the purpose of reporting it to the House. The Committee were not thereby precluded from reporting the evidence day by day to the House. On the contrary, full power was given them to do so, if they thought fit. The hon. Member appeared to labour under some mistake in supposing that the printing of the evidence taken before Committees, and the printing of that taken at the bar of the House, rested on the same authority; viz. the fiat of the Speaker. The Speaker had the power of authorising the evidence taken before Committees to be printed for the use of the members of the Committees, and of them only; but when an inquiry was conducted at the bar of the House, the Speaker had no power over the printing of the evidence. That was a matter entirely at the disposal of the House. He recollected that, during the inquiry into the Walcheren expedition, the late Mr. Yorke regularly exercised the right, which every Member possessed, of clearing the gallery of strangers, in order to prevent the publication of the evidence until the House should think right to order it to be printed. The hon. Member for Middlesex thought it expedient the public should have full information of all the proceedings of that House. He was inclined generally to agree in that opinion, but occasions might occur where it would be judicious to prevent, for a time, the publication of what took place in the House. He, by no means, thought that the hon. and learned Member for Southwark had exercised an improper discretion when he cleared the gallery on a former evening, during a discussion which he apprehended was assuming too much of the appearance of a personal dispute, and in which the characters of two hon. Members were concerned. Doubtless, the hon. and learned Member for Southwark was of opinion that any differences which had arisen might be more easily reconciled when there were no auditors—no strangers present. With respect to the practice pursued by Committees, he might observe that, in many instances, they had very properly determined to report only a summary of the evidence taken before them to the House, and on motions being made that the minutes of evidence should be reported, the House had come to different decisions, according to the circumstances of each case. The general opinion appeared to be, that it was most convenient that the minutes should be published. At the same time, he had not the slightest doubt, that in the present instance, the motion made by the noble Lord was a true and proper assertion of the privileges of the House, and having been made, he should be sorry to see it passed by or evaded. He thought it desirable, that the evidence should be laid upon the table of the House in small divisions, though he would not have the examination and cross-examination of the same witness separately reported. It was impossible to lay down any general rule on this point, but it would be advantageous in his opinion that the rule should be adhered to of reporting the evidence only as the inquiry into each different union was concluded. At present, however, he did not see any sufficient reason, any omission on the part of the Committee, which called for the interference of the House with that discretion which had hitherto been intrusted to Committees, of reporting from time to time, as to which, generally speaking, they were the best judges. The proper way for the hon. Member for Southwark to have taken the sense of the House as to the particular question involved, would have been to have brought it forward as a substantive motion, and not as an amendment upon a motion which the House could not do otherwise than agree to as an affirmation of their undoubted privileges.

Mr. *Warburton* looked upon the hon. Member's amendment as an altogether erroneous mode of meeting the question. The hon. Member should have come before the House with a substantive motion. There could not be the slightest doubt about what were the powers and privileges of the House as to the publication of evidence, as a general rule; neither could there be the slightest hesitation on the part of the House in affirming, if called upon, that as a general rule, there was and ought to be in the House a power to exclude strangers; but the question was, whether the House was prepared invariably to exert those powers—whether on all occasions, when the House saw any publication of what had taken place in one of its Select Committees, it was prepared to employ all its powers in punishing those who had been guilty of the publication. He had repeatedly seen the proceedings of Committees published without the slightest notice being taken by the House of the circumstance. He remembered, for instance, the case of the Select Committee which took cognizance of certain Members of the House in the Arigna mine affair, the proceedings before which were regularly published, day by day, in *The Times*, without any interference on the part of the House. He was willing, he would repeat, to affirm the general rule; but he was not prepared to say, that a case might not arise in which it would be a highly expedient and desirable course to publish what took place in the House and its Committees. He could say for himself, that he had occasionally acted as a reporter in that way, and in so doing, he had considered himself to be exercising a sound discretion. His support of the noble Lord's resolution, therefore, by no means involved a condemnation of those persons who sometimes exercised a sound and wholesome discretion in publishing what took place on some occasions; and he should recommend the House to wink at the publication of what took place in Committees in the same way that it shut its eyes to the publication of the proceedings of the House. For his part, he had never been present on any Committee the proceedings of which might not be with perfect safety published to the public.

Mr. *Wakley* said, that as it seemed admitted on all hands, that it was a breach of privilege for the hon. Member to publish the proceedings of a Committee, to proceed with the resolution would be a weak and unmeaning affirmation of what had been the custom of ages. It had been justly observed, that there might be cases in which the publication of the proceedings before a Committee was desirable. It appeared to him that if ever there was a case in which the deviation from a practice of the House was admissible, it was that now in question. Whose interests were attacked in this Committee? Whose interests had to be defended? In both cases those of the poor, the needy, and the helpless. What was the power arrayed before the Committee in support of the new Poor-law? The effective and well-organised power of the Commissioners sitting at Somerset-house. Who assert the rights of the poor in this Committee? Professional aid they had none. As far, however, as his own assistance could avail them, there he would never fail in the duty he owed them. He was bound, however, to state broadly and distinctly, as regarded the manner in which the proceedings before the Committee were conducted, that a spectator would find it utterly impossible to discover what was the bias, in reference to the new Poor-law, of any of the members who composed the Committee, everything was carried on with such entire openness and impartiality, and not the slightest disposition was evinced on the part of any Member to prevent any witness from making the fullest statement in his power, whatever its tendency. Seeing, however, the excited state of the public mind on this subject; the representations, true and false, extensively circulated respecting the operation of the act; it appeared to him that out of regard to the interests of the public at large, and the honour of the House, it was essential that the proceedings before this Committee should be laid before the public in the fullest and most open manner from day to day. If this were not done, he feared that most unfavourable impressions would arise in the public mind: for what would the poorer part of the community say?—"Oh, we see what this Committee is about; they are afraid the truth should transpire, and so they wish to keep the evidence secret till they have trimmed it and cut it down. If they were not afraid, why do they withhold the evidence from us." The right hon. Baronet said, that injustice might be done by publishing the evidence day by day; perhaps, in one point of view, this might, to a certain extent, be the case; but balance the great good arising from the publication of the evidence against the evil of withholding it, and the good would be found greatly to predominate. Indeed, it seemed to him that if the evidence were not so published, the Committee had better at once terminate its labours.

Mr. *Ward* said, there was no doubt it was essential to the character of Select Committees that they should have the power of keeping the evidence taken before them secret, if they thought fit. At the same time, he perfectly concurred in the principle of the amendment, and he should have been ready to vote for it, had it come before them as a substantive motion. He felt, however, that he could not do so in its present shape, without negativing a rule which, it was generally conceded, it was essential to maintain as a general principle. If the hon. Member would only forward his proposition as a substantive motion, it should have his (Mr. Ward's) ready support. He had heard no reason why the rule should be too strictly enforced in this particular instance. It appeared to him to be a very great object that the public mind should be enlightened as to the real working of this measure in reference to the poor; and this object could not be better attained than by the publication of the evidence. He was sure that there was but one spirit among all the Members of the House regarding the welfare of the poorer classes; and that if it should appear that the working of the measure in any respect was injurious to these classes, the House would be perfectly ready to apply a remedy. The true state of the case would be shown in the evidence before this Committee, and for the sake of all parties, it was very desirable that no time should be lost in communicating that evidence to the public.

Mr. *T. Duncombe* did not rise to protract the discussion, but, on the contrary, to put an end to it altogether, for he rose for the purpose of moving that it be adjourned till that day six months. It appeared to him, that no case had been made out for the interference of the House. There was no doubt, to be sue, that the proprietor of *The True Sun* newspaper had committed a breach of privilege, but he saw no reason why the House should take notice of the circumstance any more than it took notice of the circumstance that the proceedings before the Longford Election Committee were daily published in *The Times*. He could conceive no reason why the proprietor of *The True Sun*, in particular, should be selected for the censure of the House. He begged to move that the further debate on the subject be adjourned till that day six months.

Mr. *Roebuck* seconded the amendment. As the hon. Member for Southwark had observed, if it had been thought that the proceedings before this Committee should be kept secret, all that was necessary was, to declare it a secret Committee. No practical advantage could possibly arise from affirming in general terms a rule of the House which everybody admitted to be a rule of the House. The only effect of the resolution would be to exhibit the proprietor of *The True Sun* as a martyr in the people's cause, and the rest of the House as men desirous of grinding the poor.

Lord *John Russell* begged to say he had no such object in view as the making a martyr of any hon. Member. His only object was, as it seemed that the privileges of the House had been partially called in question by one of its Members, that the rule of the House should be affirmed, so that there should no longer be a doubt on the subject. It was most desirable that they should come to some clear understanding as to the power of Committees respecting publication of evidence, and he therefore hoped, that before the discussion terminated, Mr. Speaker would state to the House his opinion upon the point.

Mr. *Roebuck* explained that he had passed no opinion as to the object of the noble Lord's resolution; what he had spoken of was its effect.

Mr. *Robinson* regretted that the hon. Member for Southwark had not made a substantive motion. Had the question come before the House in that shape, he should have supported it, for he considered that if ever there was a case which might be permitted to form an exception to the general rule of the House as to publication of evidence, it was this.

Mr. *Richards* conceived that the proper course for the hon. Member for Southwark would have been to have taken the sense of the Committee as to the publication of its proceedings; had the sense of the Committee been adverse to him, he could then have brought the question substantively before the House.

The *Speaker:* In consequence of the appeal of the noble Lord, and of what has fallen from hon. Members during this discussion, I feel it to be my duty to state under what authority evidence taken before Select Committees is printed. The rule of the House is, that all papers laid before the House shall, under the authority of the Speaker, be printed by the printer of the House; and all papers are published under the authority of the Speaker for the use of its Members generally. The evidence taken before a Select Committee forms an exception to this rule. The practice of printing the evidence taken before Select Committees, for the use of the Members of the respective Committees, is a recent one, the rule having been made in 1814. The practice from that period to 1816 was, that the Chairman of each Committee applied to the Speaker for permission to have the evidence printed by the printer of the House, without which, the printer would not print; and, this being granted, the evidence was accordingly printed, but only on the faith and clear understanding that it was printed for the use only of members of the Committee. If evidence taken before a Committee, were printed otherwise than on these conditions,— if it were printed not for the use of the Committee but for the public, this would clearly be a direct violation of the privileges of the House. And the reason is obvious; for see what would be the consequence if it were not so,—if it had no other foundation; for if the publication were to be extended for the use of the public, it would place the Speaker in a very awkward situation. The Speaker would be put in the position of sanctioning the publication of evidence which had not been communicated to the House; and the Committee would be directing the publication of evidence which it had not the permission of the House to make known. It is obvious, then, that should it become an ascertained fact that any Member of a Committee is in the habit of printing copies of the evidence in order to communicate it to the public, without the authority of the House for so doing, the Speaker must necessarily find himself placed between two alternatives— either to recall his permission to the Committee to print the evidence, or to bring the Member before the House. The Committee has not any power to print without the permission of the Speaker, and that does not go further than to print for the use of the Committee. The Committee, then, has not the power to order any printing, much less to make public any evidence that may be taken before it.

The House divided on the motion for adjourning the debate. Ayes 18; Noes 131; Majority 113.

List of the AYES.

Crawford, W. S.
Dennistoun, Alex.
Elphinstone, H.
Fleming, John
Fitzsimon, C.
Hall, B.
Hindley, C.
Hume, J.
Leader, J. T.
O,Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Roche, D.
Ruthven, E.
Thompson, Col.
Walter, John
Wason, R.
Williams, W.

TELLERS.
Duncombe, T.
Roebuck, J. A.

List of the NOES.

Adam, Sir C.
Bailey, J.
Baillie, H. D.
Bainbridge, E. T.
Baines, E
Balfour, T.
Bannerman, Alex.
Barnard, E. G.
Bentinck, Lord G.
Bewes, T.
Biddulph, Robert
Blake, M. J.
Brodie, William B.
Brotherton, J.
Brownrigg, S.
Bruce, C. L. C.
Buller, Charles
Bulwer, Edw. L.
Canning, rt. hon. Sir S.
Chapman, A.
Chichester, J. P. B.
Chichester, A.
Clerk, Sir G.
Cole, Viscount
Collier, John
Collins, W.
Coote, Sir C. C.
Crawford, W.
Dillwyn, L. W.
Ebrington, Viscount
Egerton, Sir P.
Ellice, E.
Estcourt, T. H.
Etwall, Ralph
Fazakerley, J. N.
Ferguson, Sir R. A
Fergusson, R. C.
Forbes, W.
Forster, C. S.
Fort, J.
Gladstone, W. E.
Gordon, Robert
Goring, H. D.
Graham, rt. hn. Sir J.
Grey, Sir G. Bart.
Grote, G.
Halse, J.
Hamilton, Geo. A.
Hardy, J.
Harvey, D. W.
Hawkins, J. H.
Hawes, B.
Hay, Sir A. L. Bart.
Heathcote, Gilb.
Hector, C. J.
Hobhouse, Sir J. C.
Howard, P. H.
Humphery, J.
Ingam, R.
Johnstone, Sir J.
Knatchbull, Sir E.
Knight, H. G.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord Arthur
Lennox, Lord G.
Lister, E. C.
Long, W.
Martin, J.
Mosley, Sir O. Bart.
Molesworth, Sir W.
Murray, rt. hon. J.
Musgrave, Sir R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, Jasper
Parry, Sir L. P.
Pease, J.
Peel, Sir R. Bart.
Pendarves, E. W.
Perceval, Col.
Philips, M.
Phillips, G. R.
Pinney, W.
Polhill, F.
Potter, R.
Poulter, J. S.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rickford, William
Robinson, G. R.
Rolfe, Sir R. M.
Ross, Charles
Rundle, J.
Rushbrooke, Col.
Russell, Lord J.
Sanford, E. A.
Scott, J. W.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Sinclair, Sir G.
Smith, B.
Spry, Sir S.
Stanley, Lord
Stewart, John
Stewart, P. M.
Surrey, Earl of
Thomson, C. P.
Trelawney, Sir W.
Troubridge, Sir T.
Turner, W.
Vere, Sir C. B.
Villiers, C. P.
Vivian, J. E.
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.
White, S.
Wilks, J.
Williamson, Sir H.
Wilson, Henry
Winnington, H. J.
Wood, Charles
Woulfe, Sergeant
Wrightson, W.
Wynn, rt. hon. C W.

TELLERS.
Maule, hon. F.
Stuart, R.

Amendment withdrawn. Original resolution carried.

CANADA.] The Order of the Day having been read for the House to resolve itself, into a Committee on the Canada resolutions,

Mr. *Leader*, in rising to move the postponement of the further consideration of these resolutions, hoped the House would extend to him its indulgence for a few minutes while he stated his reason for doing so. He was convinced it was the wish of his Majesty's Government, as well as hon. Gentlemen opposite, in supporting these resolutions to restore tranquility to Lower Canada. But his hon. and learned Friend the Member for Bath had proposed the other night a plan regarding Canada, to which the noble Lord had objected, as not being in conformity with the wishes of the Canadian people, and of which the right hon. Baronet opposite had said, that it was not sanctioned by any constitutional authority. Now as that plan of his learned Friend was highly approved of by many persons out of that House, as well as by many hon. Members within it, all he wished was, that his Majesty's Government should postpone these resolutions, in order to give time to the Canadian people to state whether they agreed with the plan of his hon. and learned Friend or not. It was allowed by the noble Lord himself that the chief object of the resolutions was to prevent the non-payment of certain official persons. But the question was, whether the rights of a whole people should be postponed to those of a few judges—whether the salaries of a few unpaid officials were to be put in comparison with the constitutional claims of a whole nation. He trusted the noble Lord would not so insult the Canadian people, and for such a purpose. The course the noble Lord was pursuing was in every sense unjustifiable; and he might depend upon it the effect of these resolutions would be not only to exasperate the people of Lower Canada, but also to alarm those of the Upper Province, as well as all their North American colonies. The people of Upper Canada would naturally have the fear of similar resolutions hanging over their heads, in case it should ever become necessary for them to have recourse to a suspension of the supplies. The question was not, therefore, confined to Lower Canada, but affected the whole of our American colonies: and he would once more, and in the most friendly spirit, entreat the noble Lord, if he could not agree to any plan proposed by him, and those who thought with him upon this subject, at least to put off the further consideration of his own until communication with Canada could be made and replied to. He assured the noble Lord that it was as painful to those with whom he acted to oppose the policy of the noble Lord as it was for the noble Lord to be opposed by them. They had ever supported the Government when they could do so conscientiously; but, in the present instance, they felt it to be their imperative duty not to do so.—They had considered that their support of these resolutions would have been a flagrant desertion of their principles, and felt that their only course was to give them the most strenuous opposition. He begged, therefore, to move, as an amendment to the Order of the Day for going into Committee upon them, "that their further consideration be deferred for six months," for the reasons he before had stated.

Mr. *Hume* seconded the amendment. He entreated the noble Lord to consider what he would do if the people of Lower Canada would not submit to the proposed conditions. Was it likely that what the noble Lord proposed would promote peace in that colony? What confidence could the Canadians have in the good feelings entertained towards them by the British Parliament, if these resolutions were adopted? To secure their allegiance we were bound to secure to them their rights and their property. The evils that must attend any attempt at coercion would be great. He entreated the noble Lord, therefore, to pause, to give time for consideration. He considered the resolution would only lay the ground for increased discontent. He therefore trusted the noble Lord would pause before he adopted resolutions which would take away the rights and property of his Majesty's subjects in Canada.

Sir *George Grey* said, after three nights' debate on the same subject it could hardly be expected that they should anew discuss the question. Any discussion that might be necessary could take place in Committee. He would only say, that the Ministers had gravely considered the subject before they submitted the resolutions to the House, and had adopted them with great reluctance. Nothing but an imperative sense of duty had forced them to take such a course; but after they had adopted the measure they would not shrink from carry-it into effect.

Mr. *O'Connell* said, great discontent existed in both Canadas on account of the system of government which prevailed there. It was a system of favouritism. He had learned also that Orange lodges were still in existence in those colonies; and from accounts by the last packet it appeared that, but a short time ago, a number of new members had been sworn in. Much had been said about resolutions which had been passed in Upper Canada, approving of the government of Sir Francis Head. Now, what happened on the last day of the Session, when one-third of the members had left town? A motion was made by the Solicitor-General for leave to bring in a Bill to repeal the act relative to the clergy reserves, for the purpose of setting them apart for the benefit of the Protestant Establishment; but it was rejected. He wished to know if that was the policy of the Government at home. Looking at all the circumstances of the case, he thought the Government would be acting wisely in adjourning the further consideration of the resolutions for six months.

Sir *George Grey* said, the hon. and learned Member for Kilkenny was under a mistake as to the nature of the Bill. Indeed, the information which the hon.

and learned Member had received was at utter variance with the fact, as he would convince him if he would take the trouble of conversing with him on the subject.

Mr. *P. M. Stewart* denied, that the resolutions would excite a flame in Canada, and hoped there would be no delay in passing them. He hoped the House would instigate the Government to go on. The colony had not a tittle of right to what they demanded. He was convinced that when the case became fully known the small minority which they had on the first division would dwindle down, and even doubted much if the hon. and learned Member for Kilkenny would be in it. He admitted that abuses ought to be removed and grievances redressed. It was said that 350,000 Canadians called for the change advocated by the hon. Member for Bath; but he would ask the House also to take into consideration the wishes of 1,200,000 inhabitants of those colonies, who deprecated the measures proposed. He called on the Government and the House to proceed with the resolutions, not for the purpose of raising salaries for the Crown officers, but for restoring peace to the country. The two main resolutions had passed, and the only object now in view was delay.

Mr. *Wason* entreated the House to pause and to give the Canadians an opportunity of expressing their opinion on these resolutions before passing them.

Mr. *Roebuck* said, after the observations which had been made by several Members he wished to call the attention of the Government to the real state of the case. The noble Lord said there was a difficulty in the way. What was the difficulty? The officers of the Government were not paid. And what did the noble Lord propose? A series of resolutions to take away from the Canadian people their money and their rights. The House was called on to hurry—to allow no delay, because if they did, they said the state of the country would become more dangerous every day. But did the Government think that the resolutions would settle the point at issue? The Government might get the resolutions passed—they might excite people and pay the Government officers for one year, but when that year had revolved, the question would be in precisely the same state. He wished the Government to attend to that point; and if coercion was to take place he would say the Government ought to listen to the advice of the noble Lord opposite (Lord Stanley). If the Government believed coercion good they had not gone far enough—for their resolutions did not coerce but insult. From what had fallen from the noble Lord on a former debate, he understood that the noble Lord had not made up his mind on the plan which he had proposed. That being the case, he wished to know what evil there would be in delay? Why, the noble Lord said, the Government officers remained unpaid. Was that all the evil? And could no other means of paying these officers be found but by voting resolutions—to do what? To do all they could to prevent reconciliation. He had been asked if the House were to adopt the plan which he had proposed, would the Canadians agree to it? In reply to that he would say, if the resolutions were passed, they would not ask for it—the time was gone by, and war declared. The moment those resolutions arrived the people of Canada would declare war, and to prevent that, he conjured the noble Lord to hesitate before he passed such resolutions. But the noble Lord would not take his advice, but the advice of the right hon. Baronet opposite. (Sir Robert Peel) And why did he take that advice. Was it because the right hon. Gentleman had shown that he knew the wishes of the people of this country? Did he know their wishes on the question of Reform—did he know the feelings of the country on the question of Catholic Emancipation, or had he made up his mind on the question of granting Municipal Reform to Ireland? The noble Lord must know that the right hon. Baronet never saw danger when it was at a distance—he saw it like the speck of a cloud above the horizon, as large as a man's hand, but he admitted and felt it only when the tempest and the hurricane were around him. When the danger was distant the right hon. Baronet was totally unaware of it; that was the peculiar characteristic of the right hon. Gentleman, yet the noble Lord would take his advice as to what would satisfy the people of Canada. Did the noble Lord consult him, as to the wishes of the people of England when he introduced the Reform Bill? The right hon. Baronet said that Bill was absurd, as he had said the proposition which he had made for the settlement of the dispute with Canada was absurd;

yet the noble Lord did push that measure through the House; it pleased the people of England; and the time came when the right hon. Baronet said, he was wrong—the people of England required Reform—they required the Reform Bill; they had got it, and he would endeavour to carry it into effect. The same would be the result as regarded Canada. The right hon. Baronet had pronounced his plan absurd. Now this alone ought to lead the noble Lord to reflection. The right hon. Baronet would act with Canada as he intended to do with reform. The right hon. Baronet had exhibited—he hoped he might be pardoned the word—considerable ignorance on colonial subjects when he pronounced the plan absurd. It happened that many of our colonies had just such constitutions as he proposed for Canada. There were such in our West-India colonies. The right hon. Baronet came down to the House and spoke as *ex cathedra*, and yet he was not acquainted with the colonial hornbook. He was like a blind man with a stick, feeling his way, seeking a place whereon to set his foot, and not knowing where he might stumble. The right hon. Baronet came to that House because of his extraordinary powers and long standing, was considered of great weight; but he would show the little value of his authority. His plan was pronounced absurd, yet he had shown the right hon. Baronet that it was a system which already existed, and was acted upon in many places. If it would appear that his plan would prove palatable to Canada he would ask the noble Lord to pause before he proceeded to a course which would for ever preclude its adoption. If the coercion system were once begun it must be continued. The noble Lord should bite as well as show his teeth. Indeed, the intimidation system had already been begun. Sir Charles Grey, one of the Commissioners, told every one with whom he conversed—had told many Members of the House of Assembly—that England was prepared to send out three or four regiments, and to force the resolutions down the throats of the Canadian people with the bayonet. He had a letter from M. Papineau stating that fact. Were these the persons to send out to pacify the Canadians? He would beg of the noble Lord not to put faith in such men, or follow the advice of the right hon. Baronet. Let the noble Lord delay a little—offer his plan to the Canadians—and see whether it would be accepted. The resolution of 1825 had been referred to, but this resolution had never been carried out. Would the noble Lord give the people the legislative council in accordance with that resolution? If not what would he give? Of what use would be a half-dozen in the legislative council? How would it operate if tried here in the Upper House? Would not the composition of that House be still the same? If the object was to give the House of Assembly a predominance in the Council, why do it at once, and not palter with a sham reform. Where was the necessity for hurrying these resolutions? Was there not business enough for the Ministry without them? Oh, but they could not do that business: they could not carry measures beneficial to Ireland—what was it that they could carry? Nothing but coercions. Something must be done, and as they could do nothing else, why they carried coercive laws. As they could not carry liberal, they carried illiberal, measures, if it were only to show that they could carry something.

Sir *Robert Peel* said, the hon. and learned Gentleman, the Member for Bath (Mr. Roebuck) had proposed a scheme of government for the Canadas, which, of course, that Gentleman deemed the fittest and most proper as well as the wisest that could be adopted. But the hon. and learned Gentleman must allow him to say, that he appeared to him to be a little too irritable for the framer of a constitution. On the present occasion, however, it appeared that all the irritability exhibited by the hon. and learned Gentleman arose from his having expressed an opinion that the hon. and learned Gentleman's scheme was absurd. He should have escaped all the phials of wrath that the hon. and learned Gentleman had poured out upon him if he had not used the word "absurd" in reference to the famous scheme of government he had propounded. He (Sir R. Peel) was sorry, however, notwithstanding all the hon. and learned Gentleman's indignation, that subsequent reflection only confirmed his first impression with respect to that scheme. His original impression was, as he had stated it to be, that the scheme was absurd—intervening reflection induced him to retain the same opinion. He still thought it absurd. When he said this he intended to speak with no disrespect of the hon.

and learned Gentleman himself—he applied the term not to the hon. and learned Gentleman, but to his plan. But when the hon. and learned Gentleman spoke of his (Sir R. Peel's) ignorance upon colonial matters, the hon. and learned Gentleman must allow him to say, that he thought the hon. and learned Gentleman had only proved his own. He did not profess to be very abundantly versed in colonial affairs. But what was the course that the hon. and learned Gentleman had pursued? Suddenly, and without any previous notice, he came forward with a plan of his own, and, in asking the House to adopt it, proposed at once to change the whole course of policy suggested by the Government, and to postpone the resolutions that had been brought forward, in order that his scheme might go forth to the Canadian people. And, said the hon. and learned Gentleman, addressing himself particularly to him (Sir R. Peel), "You are entirely wrong in supposing that my plan would not be acceptable to the Canadian people: you said, that the Roman Catholic Relief Bill was not necessary—you were wrong; you said that Parliamentary Reform was not required—you were wrong; you say now that the people of Canada will not like my plan—there, again, I tell you, you are wrong." This was the line of argument adopted by the hon. and learned Gentleman. Now, was it borne out by the fact? Had not the people of Canada passed a resolution declaring that they preferred a different plan? He presumed that the hon. and learned Gentleman would allow, that the people of Canada knew at least what their own views were, even if they did not understand their own interests. He had read an extract from a Canadian resolution, by which it appeared that so far from preferring a legislative council holding office at the pleasure and mere will of the Crown, the people of the Canadas expressed and placed upon record an opinion that the form of council which they preferred was a council elected by the people. What right, then, had he to infer that the plan of the hon. and learned Gentleman would be acceptable to the Canadian people, when he had before him the strongest evidence to the contrary. His impression upon the point was not founded upon surmise; he had before him the declaration of the Canadians that the form of council that they preferred was a council deriving its existence and its authority from them by election. Such were their views; yet the hon. and learned Gentleman told him, that by not agreeing to his plan he (Sir Robert Peel) proved himself utterly and entirely ignorant of all colonial affairs, because, in point of fact, a similar plan already prevailed in some of the colonial possessions of Great Britain. As he had before stated, he did not profess any intimate knowledge of colonial affairs, nor had he of late inquired much into the colonial system of government; but he was greatly mistaken if he was not right, and the hon. and learned Gentleman wrong, when he stated that the form of government which he proposed already prevailed in some of the colonies. He was very much mistaken if in any one of our colonial possessions such a form of government prevailed. This was the point upon which the hon. and learned Gentleman founded his charge of ignorance. "You contend against my plan," said he, "and call it absurd because it has never been tried or exhibited in any one of our colonies; I tell you, on the other hand, that you are totally ignorant upon the matter, because the plan has been tried and does certainly now prevail in some of the colonies." He had yet to learn in what colony it prevailed. Now, as to the plan itself, what was it that the hon. and learned Gentleman proposed? "I object," said he, "to a council appointed for life, and at the will of the Crown, and, therefore, I propose to establish a council of a different description." When the hon and learned Gentleman made that proposition did he in fact propose to establish a legislative council? Just observe the gross fallacy of the proposition—"I object to a council appointed for life and at the will of the Crown, therefore I will have a council established on a different principle." He said, that such a council as that which the hon. and learned Gentleman proposed would not be a legislative council. The hon. and learned Gentleman's proposition amounted to this,—that the present legislative council should be abolished and that some other assembly should be substituted in its room. There were Legislative Councils in the other colonies holding office during pleasure, and appointed by the Crown; and, indeed, as far as appointment was concerned, he knew perfectly well that the Legislative Councils of the Canadas were appointed by the Crown; but there was this difference between the Canadas and our other colonial possessions—in the former the Legislative Councils held office for life, in the latter they held office only during pleasure. But the question, at issue between him and the hon. Gentleman was this, "Is there any colony appertaining to the Crown of Great Britain in which there is a House of Assembly deriving its authority from election of the people, in which there is not also a council, however that council may be appointed, which has co-ordinate functions with the House of Assembly?" That was the question; and if the hon and learned Gentleman did not know that there was no such colony, as the last thing that he (Sir R. Peel) wished was to bandy terms with him, he would not say that he showed his ignorance, but that he had at all events vindicated himself from the charge of ignorance, which the hon. and learned Gentleman had levelled against him. The hon. and learned Gentleman produced a scheme of Government which he (Sir R. Peel) understood to be this—that in Lower Canada there should be a body, which the hon. and learned Gentleman called a council, which should have no legislative power whatever, but which should have the agreeable task of washing up the dirty linen of the provincial legislature, of correcting, in other words, the blunders of the House of Assembly; but to whose labours, in their choice and enviable avocations, the House of Assembly should not be bound to pay the least attention. If that were a correct statement of the hon. and learned Gentleman's plan, he (Sir R. Peel) repeated that the council he would establish would not be a legislative council, but a mere body appointed by the Crown, with the power of humbly suggesting certain amendments that it might happen to think proper in bills that had passed through the House of Assembly. Now, to the opinions or suggestions of such a body, appointed only during pleasure, it appeared to him (Sir R. Peel) exceedingly improbable that the House of Assembly would attach any great weight. He thought it most likely that the same difficulties, arising from offended pride, as regarded the adoption of amendments, would exist between the new council and the House of Assembly, as had already existed between the Legislative Council and that body; and then the governor, as the arbiter between the contending parties, would have to interpose his simple *veto*. Now, it appeared to him to be a course much more abrupt, and more likely to give offence to an assembly elected by the people, than if there were an intermediate body, composed of persons of as high authority as could be procured in the colony, and to whose decision all the weight should be given that could be derived from their occupying an independent station—it appeared to him that, *à priori*, the colony would be less likely to reject measures accepted by such a body, than if they came recommended only to them by the assent of a governor sent out to them by the mother country. That was the ground upon which, in the former debate, he had expressed his dissent from the hon. and learned Gentleman, admitting that he had not had time to give to his plan a very mature consideration.

Mr. *Grote* did not think, that the right hon. Baronet had been very successful in vindicating himself from the charge brought against him by the hon. and learned Member for Bath. If, indeed, the right hon. Baronet had been successful at all, it was only in artfully concealing the question which the hon. and learned Member for Bath intended to raise, and did raise. As he understood that question, it was this—whether it was politic to maintain a legislative council possessing co-ordinate powers of legislation, and independent of the Governor. The hon. and learned Member for Bath, in alluding to the constitutions of other colonies, pointed out this, which he, (Mr. Grote), believed to be the fact—that there was more than one colonial possession of Great Britain in which there was no legislative council appointed by the Crown. And holding place for life, so as to make it totally independent of the Crown. That was the point for which he (Mr. Grote) contended. When the right hon. Baronet spoke of a legislative council appointed by the Governor, and holding place during the pleasure of the Governor, he must see, as every body else did, that the *veto* of such a council was, in fact, nothing more nor less than the *veto* of the Governor under a different name. Such being the case, he approved of the suggestion of the hon. and learned Member for Bath, that the legislative council should be converted into a council of advisers of the Governor, and that to the Governor in council should be given the *veto* which was essential to the government of every colony of Great Britain. The right hon. Baronet recollected, of course, the history of the American colonies, before their final separation from this country. He believed that there was not in one of those colonies such an institution as a council for life, appointed for life by the crown, and exercising co-ordinate powers of legislation. If there was one instance of the kind, it constituted the exception, not the rule. The right hon. Baronet in vindication of his criticism on the proposition of his hon. and learned Friend, the Member for Bath said, that the proposition was in itself absurd; and that the *veto* of the governor would in fact become totally inapplicable, if there were no intermediate assembly exercising co-ordinate powers with the assembly elected by the people. He differed from the right hon. Baronet upon that point. In his opinion, a *veto* put upon the wishes of the people of Canada, by a council, composed of persons elected from amongst themselves, but in reality possessing no distinction of property or birth, was infinitely more obnoxious than the *veto* of the Governor, for whom they could not fail to entertain feelings of deep respect as the representative of the power and majesty of the King. If the right hon. Baronet took the pains to look into the report of the Commissioners, he would see that it was in fact impossible to conduct the government of the Canadas with two Houses of Assembly, constituted on contrary and antagonist principles. He agreed with the hon. Member for Bridgewater (Mr. Leader) that this was the fittest and most proper period to discuss the question of delay, before they arrived at the eighth resolution, which was the penal resolution. Before such a severe resolution as that were passed, he thought that the Canadians ought to be told fairly and distinctly what it was proposed to concede to them. No such communication had yet been made; he, for one, therefore, should vote for the amendment.

The House divided on the original question. Ayes 182; Noes 29; Majority 153.

The House went into Committee.

On Clause 6 being proposed as follows —"That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from his Majesty, under the public seal of the said province, and to the privileges conferred on the said company by the Act for that purpose made in the fourth year of his present Majesty's reign, ought to be maintained inviolate,"

Mr. *Roebuck* opposed the resolution, and contended that the establishment of the Land Company had been injurious to the Crown lands, and productive of no public good. The Act by which it was created, had been smuggled through the House; it had been made a mere money speculation, and the general interests of the public had been neglected. He demanded, therefore, that no resolution should pass the House affirming the privileges which had been conferred on that company till a Select Committee had investigated the grounds upon which the act for its establishment had been founded, and till it was ascertained whether the powers which the Company possessed had not been exercised injuriously for the crown lands and for the public interest. The hon. Member concluded by moving, as an amendment, "That it is the opinion of the Committee, that no resolution shall be come to by the Committee respecting the North American Land Company till an inquiry shall have been instituted into the circumstances under which the land held by that company had been obtained."

Lord *Stanley* opposed the amendment, and defended the policy and the proceedings connected with the passing of the act in question. Before it was adopted by the Government to which he belonged, every possible inquiry was made as to the proper value of the crown lands in Canada, and the opinion of the law officers of the crown taken on the subject. These preliminaries having been settled, all that remained for him to do was to fix the terms upon which the amendment was to be made. The Bill was a long time before the House, and though the hon. and learned Member for Bath might not then have been a paid agent of the colony, yet he was a Member of Parliament; and did he mean to say, that interesting himself as he did in the affairs of Canada, he had not been aware of the progress of that Act through the House? It had gone through the usual course and had received the sanction of Parliament, and there was therefore no ground to question its validity, or to doubt of the fairness of the steps taken in regard to it. That company, however, tended to encourage the settlement of natives of this country in Canada, and the French people of the province wished to exclude the British settlers, and to maintain the population exclusively French. That was the reason of the opposition to the Land Company, for the French Canadians wished to monopolise every advantage and to prevent the settlement of British subjects. If the House would refer to the Report of the Commissioners, the good effect of the establishment of the Land Company would at once be seen. The Commissioners reported that the Land Company had already effected much good in the country. The number of families located in the country districts during that year had been 200, and in the townships 5,000, and the Company provided employment for settlers, and all necessary supplies at a reasonable cost, and did everything to encourage settlements and improvement. The Commissioners stated further, that they did not think the powers of the Company were such as they ought not to possess, or took too much out of the hands of Government. The Land Company had conferred great benefits on the provinces, benefits which the Government could not have conferred. He denied all the charges that had been made against the Company, and upon the short statement he had made to the House, he was willing to rest his case and the case of the Company. He was satisfied, that whatever might be the result, Parliament would never depart from engagements which Parliament had sanctioned, whether right or wrong; but he must repeat his opinion that the bargain entered into with the Company had been eminently successful in promoting the welfare of the colony.

Sir *George Grey* wished to ask the hon. and learned Member for Bath, why he had departed from the demand made by the House of Assembly, that demand being the pure and absolute repeal of the Act of Parliament under which the charter to the Land Company was confirmed? Why did he not adhere to that demand? Was he influenced by finding himself left in a dwindling minority, or was it that he had discovered that there was a sense of honour existing in the British Parliament, which would, by an unanimous vote, negative any proposition to repeal an act upon the faith of which property had been bought and sold, transactions of the most extensive kind had taken place, and British emigrants had proceeded to the provinces in large numbers, and had been located there by that aid which was detailed by the Commissioners, and which was now promoting the tide of emigration to an unparalleled extent. The House having already negatived this demand of the Assembly of Lower Canada, he would ask whether they were by a side wind, and by appointing a Committee of inquiry, to throw doubt upon those titles so acquired, and to imply that a time might come when that charter, which had been granted by the Crown and confirmed by Act of Parliament, might be repealed, and every transaction set loose, and those improvements which had taken place under the British Land Company be retarded, and the tide of emigration checked in the province of Lower Canada? The Government felt bound to adhere to the resolutions they had proposed, and he hoped that by an unanimous, or an almost unanimous vote, the proposition of the hon. and learned Member would be rejected.

Mr. *Roebuck* said, that the hon. Baronet had spoken of a dwindling minority; he could refer the hon. Baronet to a dwindling majority, But did the hon. Baronet therefore think that the Irish Municipal Corporation Bill was less deserving of public approbation and support than when it was passed by a majority of eighty? The British Land Company was said to be formed under the sanction of Parliament, and they were told that it would be a disturbance of the rights of all property if they were to go into an inquiry as to the formation of that company. He denied that proposition altogether. This company was of a peculiar nature; and if its charter were rescinded to-morrow, it would not shake the confidence of any one man in Canada as to the validity of his title to his private property. What he wanted to have inquired into were the circumstances under which that company was formed. He was sorry he did not see the noble Lord, the Secretary at War, in the House, because he should like to have asked that noble Lord his opinion as to the propriety of establishing that Land Company, and whether, when he was under-secretary of the colonies, he approved of it or not? The hon. Baronet had spoken very pathetically about checking the tide of emigration, but did he not know that the number of persons emigrating from England to the United States of America was just as great as the number emigrating to Canada? Did they ever hear of the American people selling 100,000 acres of land at eighteen pence an acre? No such thing. The government of America was a frugal and an economical government, and responsible to the people; and what did the Americans do? They sold their land by public auction, and during the last year only they received 4,000,000*l.* for the sale of their waste lands. But in Canada the land had been given away, and the hon. Member for Worcester had made a capital speculation.

Mr. *Robinson* said, the hon. Member for Bath was in the habit of speaking in a most unscrupulous manner. He charged that hon. Member with being guilty of one of two things—either that he knew that the Bill in question was passing through the House, and had neglected to oppose it; or that he did not know of it, and was thereby ignorant of what it was his duty, as a Member of Parliament, to have known. The Bill was brought in on the 24th of March, 1834, was read a second time on the 12th of April, a third time on the 5th of May, and received the royal assent on the 12th of May. It was too late, therefore, for the hon. Member now to say that he had been taken by surprise. The people of Canada also had known that the company was being formed the year before, and yet they never made any objection. In fact, the whole thing was an after-thought. What was the real objection to the British American Land Company? Not that it had not effected great good in Canada—no, it was because it had effected, and was still effecting so much good in that colony; it was because the company were inducing people to emigrate and settle there; and because new towns and villages were thriving and flourishing in that country by its means; and by the blessing of God there would, in a few years, be raised up in those new settlements a population of many hundreds of thousands; it was because the French Canadians would in a short time be deprived of that majority which they now possessed, and of which he was sorry they made so bad a use, that the hon. Member for Bath and his friends in Canada, so much objected to that company. It was said that the company was a monopoly; but he denied that statement. Almost any number of acres of land might now be bought for little more than the price paid by the company to Government, either from individuals or from the Government themselves. Lower Canada possessed many millions of acres of excellent land, situated in a most valuable and fertile country, in a climate, it was true, somewhat severe, but at the same time healthy, and useful for all agricultural purposes, but which would be of no use whatever, unless rendered so by the instrumentality of a great company like that of the British American Land Company. No individual enterprise could have the least effect in those boundless wastes. He was in possession of extracts from publications by disinterested parties, which showed what was the result of the establishment of the Land Company. It was the conversion of a vast extent of waste land, which was useless to the mother country, and to the colony, into a valuable and cultivated and well-peopled district. He complained of the underhand manner in which the hon. and learned Member opposed these resolutions, namely, his stating that it was expedient that they should be postponed till the people of Canada should have had an opportunity of expressing their opinion upon them. He hoped that the House would not be deceived by the argument, and that they would reject the motion.

Mr. *Leader* said, that the hon. Member had brought a serious charge against the hon. and learned Member for Bath, namely, his being ignorant of a private Bill that was going through the House. He begged to ask the hon. Member for Worcester, did he know really and truly every private Bill that was at that moment before the House? It was impossible to know of every private Bill that came before the House. With respect to this particular resolution, he must say he did not want to repeal the Land Company Act. On the contrary, he only wanted an inquiry into the manner in which the Bill passed, how the land had been appropriated, and how the money that was paid for it had been appropriated. He thought it right that an inquiry should be made into the way in which the Act was passed. There were other reasons for inquiry. This company had a large extent of land in Canada, which gave them great power, and they had a right to inquire how they employed that power, and whether there was anything unconstitutional in the manner in which that power was exercised. This corporation derived its power from an Act of Parliament, and was responsible for the exercise of that power to the House. All they wanted was inquiry.

Mr. *Hume* could not deny that he had had a knowledge of this Bill; on the contrary, when the Bill was passing, the only complaint he made was, that it was a private Bill to appropriate public property. He considered that a most improper proceeding. Whether the Bill was right or wrong it had now passed into an Act, and the parties who held property under that Act, had a perfect right to be protected in the possession of that property. What he complained of was, that this association had, as he understood, become a political engine. They exercised their power for political purposes, and this was the objection he had to the company. He contended that the land of the company should be sold for the benefit of the colony, and that the produce of the sale ought to be expended in supporting the civil and military establishments of the colony. The manner in which the company's affairs were conducted was hostile to the peace of the colony. The value of the land was day by day declining in consequence of the disturbed state of the country, and these disturbances were, in a great measure, the result of the conduct of the company. Would these resolutions remove the causes of disturbance? On the contrary, the moment they reached Canada, there would be almost the certainty of a civil war; and how could they expect that emigrants should settle, and pay a large price for land, in a country so situated? He objected to affirm these resolutions because in his conscience he believed they would be most prejudicial to the interests of this country and the colony.

Mr. *Robinson* denied, that the Land Company had ever used their power for political purposes.

Mr. *Ward* said, that he felt bound to oppose the amendment of the hon. and learned Member for Bath. The Land Company was incorporated under the sanction of an Act of Parliament. If there were abuses in its administration, let a substantive motion for inquiry be made, and he would support it.

Mr. *Grote* felt also under the necessity of declining to vote for the amendment; but he felt the same difficulty as regarded the resolution. If the title of the company was good, there was no occasion to affirm it again by this resolution. He would vote neither for the resolution nor for the motion of the hon. and learned Member for Bath.

The Committee divided on the amendment.—Ayes 6; Noes 166. Majority 160.

Resolution agreed to.

House resumed. Committee to set again. We subjoin the Lists of the first division.—See page 209.

List of the Ayes.

Agnew, Sir A.
Ainsworth, P.
Angerstein, J.
Arbuthnot, hon. H.
Bailey, J.
Baillie H. D.
Baines E.
Balfour, T.
Bannerman, A.
Barnard, E. G.
Bell, M.
Bentinck, Lord G.
Bentinck, Lord W
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bonham, R. F.
Brodie, W. B.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chandos, Marquess of
Chapman, A.
Chichester, J. P. B.
Chichester, A.
Clerk, Sir G.
Clive E. B.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, Viscount
Collier, J.
Collins, W.
Cookes, T. H.
Coote, Sir C.
Corbett T. G.
Corry, rt. hon. H.
Dalbiac, Sir C.
Dillwynn, L. W.
Dundas, hon. T.
Dundas, J. D.
Eastnor, Viscount
Eaton, R. J.
Ebrington, Viscount
Egerton, Sir P.
Ellice, rt. hon. E.
Fector, J. M.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hon R. C.
Finch, G.
Fitzroy, Lord C.
Fleetwood, Peter H.
Forbes, W.
Forster, C. S.
Fort, J.
French, F.
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Captain
Goring, H. D.
Graham, rt. hon. Sir J.
Hale, R. B.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Hawkins, J. H.
Hay, Sir A. L.
Heathcote, J. G.
Heneage, E.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J. C.
Hodges, T. L.
Hogg, J. W.
Hope, J.
Hotham, Lord
Houstoun, G.
Howard, R.
Howard, P. H.
Hughes, W. H.
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Jones, T.
Kearsley, J. H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lefevre, Charles S.
Lemon, Sir C.
Lennox, Lord George

Lister, E. C.
Long, W.
Lowther, hn. Colonel
Lushington, C.
Maclean, D.
Mahon, Viscount
Marshall, W.
Lennox, Lord Arthur
Martin, J.
Martin, T.
Maule, hon. F.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, hon. E.
Murray, rt. hon. J.
Ossulston, Lord
Parker M.
Parker, J.
Parry, Sir L. P.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Philips, M.
Philips, G. R.
Pinney, W.
Plumptree, J. P.
Ponsonby, hon. J.
Pringle, A.
Pryme, G.
Rae, rt. hon. Sir W.
Rice, rt hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Colonel
Russell, Lord J.
Sanford, E. A.
Scott, James W.
Seymour, Lord
Sharpe, General
Sinclair, Sir G.
Smith, V.
Somerset, Lord G.
Stanley, Lord
Stanley, W. O.
Steuart, R.
Stewart, J.
Stewart, P. M.
Strangways, hon. J.
Strutt, E.
Sturt, H. C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Thompson, Alderman
Trevor, hon. G. R.
Troubridge, Sir T.
Turner, W.
Vere, Sir C. B.
Vesey, hon. T.
Wason, R.
Welby, G. E.
White, S.
Whitmore, E. C.
Wilbraham, hon. B.
Wilkins, W.
Williamson, Sir H.
Winnington, H. J.
Wortley, hon. J. S.
Woulfe, Sergeant
Wrightson, W. B.

TELLERS.

Dalmeny, Lord
Grey, Sir G.

List of the Noes.

Blake, M. J.
Brotherton, J.
Crawford, W. S.
Elphinstone, H.
Fitzgibbon, hon. Col.
Grote, George
Hall, Benjamin
Hawes, B.
Hector, C. J.
Holland, Edward
Hutt, William
Marsland, H.
Molesworth, Sir W.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Potter, R.
Roche, David
Roebuck, J. A.
Rundle, J.
Ruthven, E.
Thompson, Colonel
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Ward, H. George
Wilks, J.
Williams, W.

TELLERS.

Hume, J.
Leader, J. T.

HOUSE OF LORDS,

Monday, April 24, 1837.

Minutes.] Bills. Read a first time:—Dublin Police.

Petitions presented. By the Earl of Bandon and other Noble Lords, from various places, against the Abolition of Church-rates.—By the Earl of Haddington, from the Presbytery of Dunbar, against the National system of Education (Ireland).—By the Earl of Rosebbery, Viscount Duncannon, and other Noble Lords, from various places, for the Abolition of Church-rates.—By Lord Cloncurry, from Rathkeale and other places, for Municipal Corporation Reform, and the Abolition of Tithes in Ireland.—By Lord Fitzgerald and Vesci, from Queen's County, against the Irish Municipal Corporation Bill.—By Lord Brougham, from the Lord Mayor, Aldermen, and Commons of the City of London, complaining of the unequal manner in which the Land-tax was assessed; and from Bradford, for Municipal Corporation Reform (Ireland).—By the Earl of Harewood, from a place in the West Riding of Yorkshire, against the Poor-law Amendment Bill.—By Viscount Melbourne, from the Mayor and Aldermen of Boston; and from Carmarthenshire, for Municipal Reform in Ireland.—By the Earl of Roden, from the parishes of St. John, Dublin, and of Ardroth, County of Tyrone, against Municipal Reform (Ireland).

Improvement of Lands (Ireland). Poor Laws.] The Marquess of *Clanricarde*, in moving the second reading of the Bill for the Improvement of Lands in Ireland, said, that it would be only necessary for him to make a few remarks on the subject. All the Reports of Commissioners were in favour of such a measure as the present. Several Bills having the same object in view had been proposed, but they had fallen to the ground in consequence of the provisions leaving too much to the landowners. It was provided by this measure, that Commissioners should be appointed by the Lord-lieutenant in Council, to examine and report how far, and where, works could be undertaken, and to decide to what extent the lands should be chargeable on account of them. He believed that it had been objected to this Bill, on the one hand, that it gave too much power to the Commissioners; but they were bound to give notice to the landowners of their operations, and also to apply to Parliament for a specific Bill to carry into effect those public works which they might think desirable. He thought, therefore, that no arbitrary power was given to the Commissioners. On the other hand, it had been said, that the Bill did not go far enough, but that the Commissioners ought to have power to proceed with the works themselves, without taking any previous step. But that, he thought, would be giving them too much power. This subject was very much connected with Poor Laws, inasmuch as it would have the effect of producing a demand for labour, and thereby afford the means of relief to the able-bodied poor. He was confident that if this Bill were passed into a law, several works of importance would be undertaken, and thus, while public improvements were made, considerable advantages would result to the poor. He believed that the Poor Law question was one of the most complicated and difficult questions ever submitted to Parliament; but it was undoubtedly one of those questions which might be discussed without reference to party politics. In fact, it might be considered, as a question that had been pretty well decided, for both the Government and Parliament had determined that some decisive steps should be taken for the amelioration of the condition of the poor in Ireland. He thought his Majesty's Ministers deserved credit for endeavouring to carry out the principle, but he believed that there were great difficulties connected with the application of the details of the Poor Law system to such a country as Ireland. The first step that had been taken on this subject was, to appoint a Commission of Inquiry into the condition of the poor of Ireland; and on looking at the names of those who composed that Commission, he thought the selection had been most admirably made. That Commission had given rise to the report which had been laid before Parliament, and he must say, that they were able, important, and excellent documents, particularly the third report. Those documents contained such a mass of valuable evidence as had never before been collected. In the third report he thought he could discern a great deal of the ability and discernment of a right hon. Friend of his, Mr. Blake, the Chief Remembrancer, who had joined a most comprehensive view of the state of that country with a zeal and energy, which, though not ostentatiously, was efficiently brought to bear upon the inquiry in which he was engaged. The next step which had been taken with regard to the question of Poor Laws in Ireland was, he thought, not quite so wise as the first. It was decided last year, by the noble Secretary for Ireland, (Lord Morpeth), that a Poor Law Bill for Ireland should be introduced this year; but he thought that some little haste had been displayed in the manner in which the data on which that measure appeared to be founded, had been collected. On the 22nd of August last, the Secretary for the Home Department directed Mr. Nicholl, a gentleman of great ability, undoubtedly, to look over a great mass of documents, and to pursue an inquiry, with a view to ascertain how far it was advisable to apply the workhouse system to Ireland. Now, he thought the proposition which had been brought forward was not a conclusion such as ought to have been jumped to in haste. He had seen no reason why the workhouse system should be applied to Ireland. The Commissioners, in their third report, after recapitulating the great body of evidence which they had collected, said they could not recommend the application of the workhouse system. Then he should like to know how and why anybody else could recommend it. It was said that the system had worked well in England; but it should be recollected that no two countries were so much unlike, in reference to this question, as England and Ireland. He had no objection to the application of the principle of the English Poor Laws to Ireland, but when they came to details they were bound to consider the vast difference that existed between the local circumstances of the two countries. Lord John Russell had said, that the amount of distress in Ireland was much smaller than that in England in the time of Elizabeth. That might be very true, but in other respects he did not think the statistics of the two countries at all alike. Looking at the statement of Fletcher of Saltoun, 130 years ago, it would appear that there was a greater analogy between Scotland and England than between Ireland and England. The real state of Ireland was not to be collected from the report of Mr. Nicholl, who visited that country in the month of August, and therefore saw it at the most favourable season of the year, that being the time when the people were more generally employed, and their circumstances consequently better than at any other period of the year. To introduce the system, then, on the authority of the documents furnished by Mr. Nicholl would be most fallacious. The average per cent. of pauperism stated by Mr. Nicholl, was far below that given by the Commissioners in the Report, which he said was greatly exaggerated, but which was founded on more correct information than he was in a condition to obtain. The Commissioners had ascertained and given the exact population of Ireland, and they found that there was an immense body of labourers who for thirty weeks in the year were out of employ; they stated that there were upwards of 585,000 labourers, who had no lands out of employ during that period. It appeared from accurate calculation that in a given space of ground the proportion of Irish labourers to English was as five to two. Was not that an enormous proportion? But it was not equal to the difference in the amount of capital, which in England was generally fifteen times more than that employed in Ireland. The workhouse system, even if the whole of the workhouses proposed were erected, would not be sufficient to meet the poverty and destitution which prevailed in Ireland. And the effect of attempting to establish that system would be to check emigration and every other means that were calculated to benefit the poor of Ireland. For look at the corollary which would be naturally suggested to the minds of men, if a law should be passed, for relieving the poor in their own country. He knew it was said, that this plan was to be followed up by other acts for ameliorating the condition of the poor, and that emigration was still to be encouraged. He was glad to hear it, although he did not go quite so far as his right hon. Friend, Sir R. Wilmot Horton, who thought emigration was a panacea for poverty, and a permanent resource of relief to a superabundant population. He doubted, however, whether there was ever a case to which it could be more properly applied than that of Ireland; but the Government had begun at the wrong end, because if they held out to the people there, that the destitute were to be relieved by the state at home, they would say, why then should they go abroad? He thought the first step which should be taken should be to relieve the aged, infirm and helpless in Ireland, and he thought that might be done by extending the dispensary system. He would even go so far as to provide almshouses for some classes of the poor. And here he could not help touching on another point—he alluded to that, which in fashionable phrase was called the workhouse test. He would ask what right had they to apply the workhouse test to a poor creature who was reduced to a state of want by the loss of an eye, or a limb, or some faculty that rendered him incapable of labour? He contended that they had no right to apply the workhouse test to one whose state of destitution was such, that soul and body could scarcely be kept together. He said, that the first step to be taken was to provide relief for the infirm and the helpless, and next, to assist emigration which had been going on to a considerable degree in Ireland of late years. Let them do that, and suffer the Bill which he now brought before the attention of their Lordships' House to come into operation, and he thought that in two or three years they would perceive something like an efficient system of relief at work in Ireland. But he must say that their first step certainly was not to relieve the sturdy mendicants of Ireland, but to provide for the relief of the unfortunate and disabled poor. The noble Marquess concluded by moving the second reading of the Bill, which he thought would tend to obviate the mischiefs and dangers of the proposed system of Poor Laws for Ireland.

The Earl of *Limerick* agreed with the noble Marquess in a great deal that had fallen from him. He recollected the time when the subject of Irish Poor-laws was first started in Ireland. He believed the plan to have emanated from a very respectable gentleman, but who was one of those visionaries in which this country abounded, who having a little property, and nothing to do, amused themselves with speculations and projects of various kinds. Had not the former laws proved extremely mischievous? And had they not been driven to the necessity of passing laws of considerable severity to mitigate the evils that had arisen from them? And now what proposition had been brought forward? and why had it been started? The Minister for Ireland—and here he begged to say that he wished to abstain from all party feeling—the Minister for Ireland, knowing that a certain measure had been of a most dangerous nature, promised to bring in a similar one for Ireland. A commission was instituted, and that commission made its report; but that report was not deemed satisfactory, and another agent must be sent out to Ireland for the purpose of a fresh inquiry. Who was directed to resort thither? A gentleman from England, as he understood, of great ability, but perfectly ignorant of Ireland. However well informed men might be on other subjects, the ignorance that prevailed in this country with respect to Ireland was excessive. His opinion of the proposed Poor-laws for Ireland was, that it would not relieve the people of Ireland; but that, if carried into effect, it would in two years pauperise the whole of Ireland. Besides, the people of Ireland did not call for these Poor-laws. It was true that in some towns it might form a very pretty subject for discussion; but, generally speaking, there was no demand on the part of the people of that country for the introduction of Poor-laws. Being interested in the prosperity of Ireland, and being convinced that if the step proposed for establishing Poor-laws in Ireland were once taken it could never be retraced, and believing that some better means must be adopted to relieve the poor of that country, he should support the views of his noble Friend, and he hoped that what had fallen from him would have its due weight with the House.

The Earl of *Devon* thought this an inconvenient time for going into a lengthened discussion on the subject of this Bill; but he thought the House was under a particular obligation to his noble Friend for having brought it forward. He would not say that he anticipated very extensive benefits from the Bill, but he thought it a link in the chain of public improvement in Ireland, and that it might be productive of great good in affording employment to the people. He could not, however, agree with his noble Friend in his view of the proposed system of Poor-laws for Ireland, as being the mere idle speculation of persons who had nothing else to do. But as it was a subject of great importance as well as difficulty, he thought those who had drawn attention to it were deserving of the thanks of the country. He was quite sure that the measure of his noble Friend would be looked at without any reference to party feeling; and he was equally sure that persons of all parties must feel the necessity of devising some scheme for reducing that mass of poverty which was known to exist in Ireland. He concurred in a good deal that had fallen from the noble Marquess in reference to the report; but, able as it was, it bore the marks of haste, and indications that Ireland was not sufficiently known to the gentlemen who made it. He had been a supporter of the amended Poor-law for England, and he must say that he believed the workhouse system would operate well in Ireland. However, he thought that now the subject was brought under the notice of Parliament it ought to be fully discussed, and he was satisfied that some alterations must be made in the details of the measure which had been introduced into the other House. It was true that the subject was surrounded with difficulties, but that ought not to deter them from entering on it with an intention of carrying some efficient and beneficial measure.

The Earl of *Wicklow* said, that it was well, while great measures were pending in the other House, for their Lordships to express their opinions on them, because they did not come before that House in a regular shape until a late period in the Session, when there was but little time left to discuss the principles of them, and barely enough to deal with the details. The Government, he conceived, had acted judiciously in introducing a measure of Poor-laws for Ireland. It was one of the utmost importance, and one, therefore, which called for the fullest and most deliberate consideration. It had been unanimously received in the other House of Parliament, it was desired by the country, and all seemed to think, both in this country as well as in Ireland, that some legislative provision should be made. He quite agreed with his noble Friend when he stated that his Majesty's Government, having determined to introduce a measure of the kind, had acted judiciously in appointing Commissioners of inquiry—nay, he would go further, and say that the gentlemen composing that commission were clever and well-informed men, and that they had paid the utmost attention to the subject on which they had been deliberating for the space of two years. He would admit, also, that his Majesty's Government had acted judiciously in having sent an experienced gentleman to that country to investigate the circumstances connected with the subject still further; but when he saw the discrepancies which existed between that gentleman's report and the report of the Commissioners, he was strongly of the opinion expressed by his noble Friend opposite, that his Majesty's Ministers, in introducing a Bill founded exclusively upon the report of that gentleman, had acted both hastily and injudiciously. He thought it would have been better and more prudent on the part of his Majesty's Ministers had they taken more time for consideration before they had introduced a Bill so entirely at variance with the report of their own Commissioners. This difference was particularly striking in the estimated expense of building and supporting the poor-houses, and in the probable number of persons it would be necessary to relieve. Under these circumstances he really conceived it to have been the duty of the Government to make still further inquiry before they had framed such a Bill as that which had been introduced in the other House of Parliament. If, according to that measure, destitution were to be made the only test for relief, it would be impossible, in a country such as Ireland, to refuse with justice to carry it to the full extent of the destitution that might arise. Then, again, instead of its preventing the able-bodied poor from coming to this country, he thought it would have the opposite effect. However, taking into account the clamour that would be made in Ireland in favour of it, and the odium that would attach to any person who might oppose it, he had determined to give his support to any measure for the relief of the poor of that country which should be sent up to them from the other House of Parliament. He certainly would not take upon himself the responsibility of throwing obstacles in the way of any measure intended and professed by his Majesty's Ministers to be beneficial to the country. With regard to the Bill then under the consideration of their Lordships' House, he confessed he was disposed to view it favourably, and for this reason—that it appeared to him to have been framed very much upon the principles recommended by the Poor-law Commissioners. The only thing he lamented in connexion with it was, that it had been proposed upon the responsibility of an individual, instead of having been brought forward on the authority and responsibility of his Majesty's Ministers, the more especially as it was a measure conferring large powers of taxation. To the principle of the Bill he certainly had no objection, and would leave the consideration of the details for Committee. Regarding the question of Poor-laws for Ireland, every one whom he had consulted on the subject seemed to him to be agreed on these two points—that in the present state of that country the proposed system of poor-houses would neither be suitable nor beneficial, and that relief should not in the first instance be extended to the able-bodied poor.

The Earl of *Roden* did not object to the principle of the measure of which the noble Marquess had moved the second reading, but with regard to the more interesting and important one of Poor-laws—indeed, he might say the most important that his Majesty's Ministers had introduced—he was anxious to say one or two words, because, as a constant resident in Ireland for many years, he had had some grounds for forming the opinion at which he had arrived on the subject. The noble Marquess had very forcibly pointed out and commented on the difficulties which were connected with it, but in the conclusions to which the noble Marquess had come he could not altogether agree. That a measure of Poor-laws was essentially necessary as a first step towards the amelioration of the country, the scene of misery and wretchedness of which he had been an eye-witness in Ireland, bore in his mind appalling evidence of the fact. When he beheld those scenes he could not avoid wishing that some provision for the poor were established by the law of the land. Of the difficulties connected with the subject he was fully aware, and he had only to hope that those who had taken upon them the responsibility of introducing a measure of relief would take care that it should be well sifted and considered, in orde to render it applicable, if possible, to the existing state and circumstances of the country.

Lord *Brougham* said, that to this most important, most difficult, and, he would add, most delicate of questions—poor laws for Ireland — they were in some degree committed. The preliminary question had already been decided; and it was therefore too late to ask the question, should there or should there not be a Poor-law for Ireland? After the best reflection he was capable of giving it, he should certainly answer in the affirmative—at least to a certain extent, he would not say how far. There were some whose opinions were worthy of respect, and who were personally acquainted with the state of Ireland, who had strong doubts upon the preliminary question; while others were disposed to negative it altogether. But he was also aware of this—that what had passed, elsewhere not only in this but last Session of Parliament, precluded the possibility of those persons exercising their judgment upon that point one way or the other. He did not see the use, however, of keeping separate the two points, "shall we or shall we not have a measure introduced," and sec ondly, "wat shall that measure be?" He did not think there should be an answer given to the first until they saw their way to an answer upon the second of these questions. He did not think they could fairly or consistently come to a resolution that there ought to be a Poor-law introduced into Ireland without their having first satisfied themselves and made up their minds what that measure should be. He had, therefore, felt convinced, when he saw, that last Session of Parliament the chief Secretary for Ireland announced that a Bill on the subject would be introduced this Session—he had taken it for granted that his Majesty's Ministers had investigated the subject, had made up their minds upon it, and would have been able to show what was the nature and principle of the measure which they intended to introduce with a view to remedy those grievous and crying evils of which Ireland had to complain. He was, however, surprised to find, that the date of their order for a commission of inquiry was last November, which in a case like this was tantamount to committing the Government to the first question before they had arrived at the second. On the first, therefore, they were no longer at liberty to exercise their discretion. There was an illustration of what he said in the speech of the noble Earl opposite, who said he was not a free agent in this matter — that he should support that plan if he could get no other. Now, they should, in his opinion, come to the discussion of the question as free and unfettered as possible. He could not but see a very material difference between the circumstances of the two countries respecting the applicability of what was called the workhouse system. In England there were labourers, but experience had shown that there were work and wages for them if they wished to avail themselves of them; but in Ireland, he grieved to say, according to the first Commissioner's Report, there seemed to be a want of work, and a deficiency of reward for it when it was to be had. The unhappy state of the working classes formed the most heart-rending picture that language could paint. It appeared that breaches of the peace were often likely to arise from the fact of strangers coming to a village or town where the labourers were scarcely able to earn the smallest pittance from those who had work to give them, and attempting to procure employment. The Report to which he alluded also stated, that in many instances the Irish labourers had declared they would be content if they could have 6*d.* a-day secured to them all the year round. He did not think, therefore, that the workhouse test was likely to be attended in a country where such a state of things existed with the same beneficial effects as in England. He would support the Bill introduced by the noble Marquess and every other Bill likely to attract capital to Ireland, because he conceived such measures would be calculated to go directly to the root of the evil. With regard to emigration, he thought it should be encouraged by every safe and possible means. He looked upon it as a sovereign remedy, and one, therefore, that ought to be kept asunder from that of Poor-laws. He feared they were beginning at the wrong end. Their measure of relief should only extend to the lame and impotent, while the plan of emigration might be promoted for the advantage of the able-bodied. He apprehended that the introduction of a measure of a different nature would create exaggerated hopes and expectations of the right to relief, and of effectual relief being given from those poor-houses, a circumstance which would considerably mar their plan of emigration.

Viscount *Melbourne* did not regret, that the noble Marquess had taken that opportunity of introducing the question of Poor-laws, for he agreed with the noble Earl, that during the progress of measures through the other House of Parliament it was well that their Lordships should express an opinion on them. He could assure every noble Lord who had spoken that all the remarks they had made, and all the difficulties they had suggested, should receive from his Majesty's Government that ample and serious consideration which their importance entitled them to. The noble and learned Lord had adverted to what had taken place last August, when the noble Lord the Secretary for Ireland stated, that the present measure of Poor-laws would be introduced this Session; and it had been said, that it was a very hasty measure on the part of Government, that they had not made up their minds upon the subject, and that the commission bore date subsequently to the expressed intention of Government to bring forward that measure; but the noble and learned Lord should recollect that the intimation made last year by his noble Friend in the other House was not the first intimation that had been given on the subject; on the contrary, it had been mentioned in the

Speech from the Throne at the commencement of the Session 1836, had been responded to in the address, and they had been bound long before that even to introduce the measure. They had founded the general principles of the measure on the Report of the Commissioners, but they had thought it wise in addition to have the opinion of a person with regard to those general principles who, speaking with all respect for the Commissioners, from the station he held in this country, and from the occupation in which he had been engaged—that of carrying into effect the English measure—was likely to assist them in coming to a proper conclusion. He would not now go into the details of the measure; but objections having been made to its connexion with a system of emigration, he would observe, that it did not appear to him to be inconsistent with giving relief at home. That was not a check to emigration in this country, which went on to a considerable extent, notwithstanding that there was a right to relief already established for every member of the community who might stand in need of it. He quite agreed with every noble Lord who had spoken as to the difficulties of the question; but he conceived the noble Earl opposite rather exaggerated its importance when he said it was the most important measure which had been introduced by his Majesty's Ministers. It had been said, that the workhouse system was not applicable to Ireland, in consequence of the great amount of destitution which it was probable it would be necessary to provide a remedy for. Now, upon that point, he would remind his noble and learned Friend that some objections had been taken respecting those counties in England in which poverty prevailed to an extreme degree. It had been said, that the number of paupers was too great, and that it was impossible they could find employment for them; but somehow or other it had been found; and persons who had opposed the system which had been applied to England on those grounds had said, that since it had been carried into effect in Sussex, Kent, and Hampshire, labour and wages had been found in much greater abundance in those places. He did not mean to say, that the case of Ireland was not much more appalling, and that this effect could not be relied upon to the same extent; but he conceived the measure could be worked out in some degree, and that perhaps when they came to grapple with its difficulties they would not find them of so formidable a character as from the first view of the case they were inclined to imagine. He perfectly agreed with noble Lords on both sides of the House, that the question was one which they ought to approach without any party feeling whatsoever, and he could in conclusion assure them that there was no other wish on the part of the Government than to shape and consider the measure so as to render it practically beneficial to the country.

Bill read a second time.

HOUSE OF COMMONS,

Monday, April 24, 1837.

Minutes.] Bills. Read a third time:—Consolidated Fund—Read a first time:—Waste Lands (Ireland); Tenant for Life (Ireland); Leases and Exchanges (Ireland).

Petitions presented. By Mr. Baines and other Hon. Members, from Sutton, Suffolk, and various other places, for the proposed Measure for the Abolition of Church-rates; and by Sir Robert Peel and other Hon. Members, from a great many places against the proposed Measure for the Abolition of Church-rates.

Canada.] On the motion of Lord J. Russell, the House went into Committee on the resolutions concerning Canada. The Chairman read the seventh resolution.

"That it is expedient, so soon as provision shall have been made by law to be passed by the Legislature of the said province of Lower Canada, for the discharge of lands therein from feudal dues and services, and for removing any doubts as to incidents of the tenure of land in free and common soccage in the said province, a certain Act made and passed in the sixth year of the reign of his late Majesty King George 4th, commonly called 'The Canada Tenures Act,' and so much of another Act passed in the third year of his said late Majesty's reign, commonly called 'The Canada Tenures Act,' as relates to the tenures of land in the said province, should be repealed, saving, nevertheless, to all persons all rights in them vested under or by virtue of the said recited acts."

Mr. *Grote* observed, that the complaints of the people of Canada with respect to the tenures of land had been recognized and affirmed by the Commissioners themselves in the fourth section of their general report; and yet, although they had stigmatised the passing of the Tenures Act as a measure at once unjust and impolitic, this resolution did not propose to repeal it until certain things should have been done by the House of Assembly in Lower

Canada, which, owing to the unfortunate dissensions prevalent in that country, there was very little probability of carrying for some time to come. Such a proposition would only have the effect of postponing indefinitely the repeal of a most unwise and obnoxious enactment which ought at once to be abolished.

Sir *George Grey* regretted, that the Tenures Act had ever been passed, because it was opposed to the principle now acted upon, that the Imperial Parliament should not interfere in the internal and domestic affairs of any of the colonies (having legislatures of their own), unless there were an absolute necessity for so doing. He did not see, that there was any injustice or hardship in making the repeal of the act conditional upon the passing of the other measures described in the resolution.

Mr. *Roebuck* entertained but one feeling upon the subject—a feeling expressed by the following resolution, which he should move to substitute for that read from the chair:—"That it is expedient at once to repeal the Act commonly called the 'Canada Tenures Act.'"

Mr. *Hume* rose to protest against any further discussion of these resolutions, and to request the noble Lord at once to withdraw them. It was intolerable to have the time of the House wasted, and the business of the country delayed, whilst a parcel of resolutions were discussed which, if carried, would serve only to increase the evils they professed to remedy. Of all the departments of the State the colonial department was the very worst. He looked upon the colonial minister, indeed, as totally incompetent. He directed the whole of his policy on the self-same principle as that pursued for so many years by the Tories. He was only surprised to find that that minister had sufficient influence to drag so many of the Members of that House through the mire with him. He (Mr. Hume) was quite satisfied that these resolutions would be the commencement of a war in Canada. The Canadians would resort to hostilities as soon as they were able, and, indeed, they would be fools if they remained one hour longer under such a system than they could possibly help.

Lord *John Russell* had acted upon the authority of the Canadian Commissioners, and the Colonial office,—which he considered sufficient grounds for opposing the hon. and learned Member for Bath, and for pressing these resolutions upon the attention of the Committee. It certainly did not appear to him, that it was at all necessary that he should be able to explain all the bearings of the subject, to either the hon. and learned Member for Bath, or the hon. Member for Middlesex.

Mr. *Robinson* expressed a wish that the noble Lord would withdraw the resolution, and allow the Tenures Act to remain as it was. The only effect of repealing it would be to place all the property in Lower Canada under the power of the predominant party in the House of Assembly there.

Mr. *Grote* thought, that there was much ambiguity in the terms of the resolution. It seemed to him that the impolicy of passing the Tenures Act might well be insisted upon; and he thought the proper course the Committee could pursue was to repeal that Act, reserving all the rights vested under and by virtue of the Act.

The Committee divided on the original motion;—Ayes 73; Noes 14; Majority 59;

List of the AYES.

Angerstein, J.
Baillie, H. D.
Baines, E.
Barclay, C.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Brocklehurst, J.
Brodie, William B.
Buller, Sir J. Y.
Chichester, J. P. B.
Chichester, A.
Clerk, Sir G.
Colborne, N. W. R.
Cooper, E. J.
Crawford, W.
Dalmeny, Lord
Dennison, J. E.
Dillwyn, L. W.
Donkin, Sir R.
Dundas, J. D.
Dunlop, J.
Eaton, R. J.
Fector, J. M.
Fergusson, R. C.
Fleetwood, P. H.
Fort, J.
French, F.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Grey, Sir G.
Halse, J.
Hamilton, Lord C.
Hawkins, J. H.
Hinde, J. H.
Holland, E.
Howick, Visct.
Jephson, C. D. O.
Johnstone, Sir J.
Johnstone, J. J. H.
Knight, H. G.
Labouchere, H.
Lefevre, C. S.
Leveson, Lord
Lushington, C.
Marjoribanks, S.
Meynell, Captain
Mostyn, hon. E.
Palmer, G.
Parnell, Sir H.
Rice, rt. hon. T. S.
Robarts, A. W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Somerset, Lord G.
Stanley, Lord
Stewart, P. M.
Thompson, P. B.
Verney, Sir H.
Vesey, hon. T.
Vivian, J. H.
Wason, R.

Winnington, H. J.
Wood, C.
Worsley, Lord

TELLERS.
Hay, Sir A. L.
Stanley, E. J.

List of the Noes.

Buller, C.
Buller, E.
Elphinstone, H.
Ewart, W.
Grote, G.
Hindley, C.
Leader, J. T.
Molesworth, Sir W.
O'Brien, W. S.
Palmer, General
Rundell, J.
Tulk, C. A.
Villiers, C. P.
Warburton, H.

TELLERS.
Roebuck, J. A.
Hume, J.

Resolution agreed to.

The eighth resolution was then proposed as follows:—

"That for defraying the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the said province, it is expedient that after applying for that purpose such balance as shall on the said 10th day of April, 1837, be in the hands of the receiver-general of the said province, arising from his Majesty's hereditary, territorial, and casual revenue, the governor of the said province be empowered to issue from and out of any other part of his Majesty's revenue in the hands of the receiver-general of the said province such farther sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l*. 14*s*. 6*d*."

Mr. Rigby Wason proposed the following amendment in this resolution.

"That the House of Assembly in Lower Canada, by withholding the supplies necessary for carrying on the government, have adopted the only constitutional means of obtaining a remedy for their complaints, and the reasonableness of which this House has recognised by affirming the fourth and fifth resolutions; and it is therefore expedient to await the result of the plan about to be proposed by his Majesty's Government for redressing the grievances complained of by the Canadian Parliament."

He had supported all the previous resolutions; but he could not sanction the present resolution, as it was inconsistent with every principle of justice. He trusted it would not be sanctioned by a reformed Parliament. His Majesty's Ministers said that it was necessary to pass these harsh resolutions in consequence of some twenty persons being kept without their salaries. He believed that if the House did not pass that resolution, and at the same time redress was afforded to the admitted grievances of the people of Lower Canada, the House of Assembly would take into consideration the case of those individuals; and if that House refused to do so, then it would be ample time to adopt such steps as were involved in this resolution. He did not think, that the claims of the gentlemen in office in Canada would be satisfied a moment sooner by passing that resolution indeed he believed that the sanctioning of that resolution would render all future conciliation of no avail. By adopting that resolution the people of Canada and the other colonies would be led to imagine that any constitution might be set aside at the will and dictation of any Minister of the crown. He should consider himself justified in resorting to any steps that the forms of the House allowed for the purpose of delay, and thus preventing this resolution being carried.

Sir *George Grey* said, that as this part of the subject had been so amply discussed on former occasions, he did not feel called upon to trouble the House at length. With reference to the arrears of salary due to the civil and judicial officers of Lower Canada, if the Government allowed them to remain any longer unliquidated it would be utterly disgraced. The situation of these officers was most distressing, and many of them could only obtain the means of subsistence by borrowing money on the most extravagant and ruinous terms. He asked if the House of Commons would consent to leave the officers without their salaries? He was sure that it would not. Government had, after mature consideration, determined to take that which they believed to be the most open as well as the most upright course.

Major *Beauclerk* thought, that the course pursued by Government was most unjust. The aim and object of it was to attack the constitution, and thinking so he should give his warm and cordial support to the hon. and learned Member for Bath.

Mr. *Gally Knight* said, it was a satisfaction to him to think that, whatever delays might be interposed here or elsewhere, repeated majorities had put it beyond all manner of doubt that on this question the House of Commons had made up its mind. The resolution which the Committee had now to consider was the vital resolution, but it was the natural and necessary consequence of the first. By the first resolution the House had affirmed, that public officers, against whom there was not a shadow of complaint, had been left three years without their acknowledged due. Having made that declaration, would it become the House, would it become the country, to break off without having provided a remedy for so crying an injustice? and the only way of providing that remedy was by passing the 8th resolution. The Committee had been advised to adjourn the question till reference could again be made to the colony. But what could reasonably be hoped from postponement? Years of fruitless endeavours, volumes of despatches, Acts of Parliament expressly passed, a commission expressly sent out, sufficiently proved, that all the resources of negociation and persuasion had been exhausted. What reason was there for believing that six months more would effect what previous years had failed to accomplish? Was it not much more probable that opposition would be strengthened by apparent indecision, and that at the end of the next six months we should find ourselves in a still more embarrassing situation? But the hon. Member for Ipswich said, that the House had no right to touch the fund from which it was proposed to make up the deficit. He (Mr. Knight) admitted, that the 8th resolution, as far as it went, interfered with the Act of 1831. He admitted the fact, but he asserted the necessity. All the statements which had been made in that House over and over again must have vanished from the memories of hon. Members if they were not convinced that the time had arrived when it became the duty of the Imperial Parliament to interfere. The 8th resolution must not be considered by itself, but with reference to the general question of the Canadas—and what was the real state of the case? Was it not clear that, by whatever means, by whatever stages affairs had been brought to the present crisis, the House of Assembly demanded nothing less than the independent government of the Canadas—that if the Canadas were to remain a part of the British empire, such demands could not be conceded, and that if these demands were not to be conceded, the interference of the Imperial Parliament became indispensable? The House of Assembly had declared that they would never resume their functions till they had obtained all they demanded; such concessions the House of Commons was not prepared to grant. The colony could not be left without government. It became, therefore, necessary for the Imperial Parliament to step in, and fill up the gap which the French party had made. The only consideration which could create a doubt as to the course which it was proper to pursue was, whether or no the Canadas could stand by themselves—whether the time was indeed arrived when it would be advantageous for the colony, were England to bid it farewell? But were the Canadas in a condition to form a substantive state? Would they be harmonious within? Would they be capable of repelling aggression from without? Whoever dispassionately considered the present condition of the Canadas must answer those questions in the negative; and if the Canadians themselves were to ask him the question, and it were consistent with his duty, either as a Member of that House, or as a loyal subject, to give a different answer, for their own sakes, he could not advise them to shake off the domination of England. In the Canadas the French and the English were not sufficiently amalgamated to make the inhabitants of that country one united nation. It was not the voice of a great people calling across the Atlantic for self-government and independence; it was the voice of a section, the voice of the French party, which made up in clamour what it wanted in strength. The common mistake, but a great mistake, appeared to prevail, which on this side the ocean was to regard the Canadians as one united people, all bent upon the accomplishment of the same object. But there was Upper Canada as well as Lower Canada, the former inhabited by our countrymen, the latter chiefly by the French, differing from each other in their wishes as much as in their conduct; and if the colony were left to itself, the first thing that Lower Canada would attempt would be to seal up the mouth of the St. Lawrence, and deprive the British population of their only commercial access to the sea. In what light should we appear if we abandoned our countrymen to such a contingency? Perhaps the true source of the present difficulties was to be found in a measure which was well meant, but which had not been attended with prosperous results—he meant the division of the Canadas into two distinct provinces. They must be blended together before the Canadians can become a nation. But this was beside the present question. The House must legislate for things as they were, and, as the Imperial Parliament was to interfere, he regretted that they were not about to adopt such measures as would relieve them from future as well as from present difficulties. Instead of passing the 8th resolution, he wished they were about to repeal the Act of 1831. The just expectations of Government when that act was passed had not been fulfiled—expectations founded on the resolutions of the act of Assembly itself; we should have begun by putting things back exactly into the position which they occupied before the Act of 1831 was passed. We should then have set out *de novo*, and proceeded to make such arrangements as the permanent welfare of the colony might seem to demand. He knew that the supreme authority of the Imperial Parliament was not to be lightly exercised. It was painful to come to the conviction of the necessity of such an exertion. To warrant it a case must be made out the justice of which the world and posterity must allow. But such a case had arrived, and, with a full sense of the consideration which was due to a colonial legislature, and a full consciousness of all the possible consequences, he was persuaded that the Parliament had but one course left to pursue, and he trusted that nothing would induce that House to depart from the opinion which it had already pronounced. He admitted that this was one of the most unpleasant questions with which they had ever had to deal, and he should have thought that the vexation and inconvenience by which it had been accompanied would have induced His Majesty's Ministers to take good care that we should never be placed in similar circumstances again; but when they asked the House to consent to the 9th resolution, he trusted they would at least retain a provision abundantly adequate; for they paid no regard to the lessons of experience if they had not learned by this time that upon an independent civil list depended the peace and prosperous administration of the Canadas and every other colony. After what he had said it was unnecessary for him to add that he should support the 8th resolution.

Mr. *O'Connell* considered that they must indeed have learned nothing from experience if they were not determined to do justice to their colonies. Experience could have taught them nothing if they had not learned from her that if they refused to do justice to their colonies the colonies would themselves endeavour to obtain it. He did not know that the time had arrived as yet for the Canadians to obtain their rights; but this he was quite sure of, that the hon. Gentleman (Mr. Gally Knight) was, by the advice he had given, co-operating with the Canadians in that resistance by which they might hope to obtain their rights. The struggle and the resistance might come soon enough. He greatly, he sincerely regretted the course proposed to be adopted by his Majesty's Government. There was a strong contrast between the conduct of the same Government towards Ireland and that which was pursued with regard to Canada. He felt exceedingly afflicted to be obliged to oppose the Government on their Canadian policy. He could not consent to vote for the 8th resolution. He thought it unjust, and therefore he must oppose it. He thought it tyrannical, and therefore he must resist it. He knew that it was tyrannical and he hoped it would be effectually resisted. It was admitted to be against principle, and it was said to be only justified by necessity. It was solely and simply grounded upon necessity. Now he denied the necessity; but even if there were necessity, he denied the justice. "The tyrant's plea," it was true to a proverb, "is necessity." He had heard before the same argument used. It had been used to deprive Ireland of her liberties. He had heard the same hon. Baronet (Sir G. Grey) make a speech to the same effect he had made that night in support of the Coercion Bill for Ireland, and it was upon the same plea—necessity. Could any human being, then, look him in the face and say that there was a necessity for the Coercion Bill? No one could say so. There was nothing in the existing state of Canada to render the course then proposed necessary. What, after all, were they struggling for? If they gave to the Canadians an elective legislative council they would put an end to all disputes. If they granted an elective legislative council there would be no doubt but that perfect tranquillity and complete harmony between the two countries would be secured. The agent of the Canadians in that House was ready to pledge himself to that. [*An hon. Member*: "That is not the case."] But then the Government would not give it to them. Why would they not do so? They heard talk of a French party in that House. Perhaps this was one of the worst features in this entire matter—the attempt to raise one portion of the people against the other. If the Canadians were not an English party they would now be a portion of the United States. During the American war appeals had been three times made to them to join the Americans. They resisted those appeals. Had they acceded to them, in what situation would they be now? Instead of having not merely the House of Assembly elective, they would have also their governor elective, their legislative council, and every thing else elective. Then how would they be in point of taxation? Instead of having a revenue to pay, they would have a surplus revenue to take back; for that was the situation of the United States. Perhaps the right hon. Member for the University of Cambridge did not know that fact; perhaps he was ignorant that the United States had a surplus revenue. The right hon. Gentleman had at one time been Chancellor of the Exchequer, and he must be astonished to hear of any such thing as a surplus revenue. He must imagine such a thing to be a mere fairy tale, and yet he could assure the right hon. Gentleman of its reality; the fact undoubtedly being that in the United States there was a surplus revenue. If then, the Canadians had formed a part of the United States, instead of that House taking away their money from them, they could employ it for their own advantage. He was opposed to the impolicy of their attempting to carry on the government of that country for the purpose of advancing the interests of a party against the people. The government party was called the English party. They were not an English party; but they were a Canadian party, that used the power of England for its own selfish purposes. What right, he asked them, had they, to talk of the superior power of the Legislature of England? Ought that to be so? They had intrusted to the Canadian people the power of imposing their own taxation by a legislature of their own; they were to levy their own money, and was not the appropriation of that money part of the same power confided to them? They should rather take away the power of taxation, than insult them, when they had raised the money by depriving them of the power of having any superintendence over it. The simple mode, in his opinion, to get rid of the difficulty was to grant to the Canadians the power of electing their own legislative council! This was no new claim that was made upon them; some of their colonies had it before. It was no novelty. They did not ask for that which other colonies had not. It was only for a royal charter to concede to the Canadians what had been conceded to other colonies. By doing so, they still left to the representative of the Crown all the powers that he now possessed: the veto of the Crown would still remain. That which they sought now to take away, they took from the Canadians only on the plea of necessity. There was only one mode of defending the present proceeding; the only defence for a great violation of principle was necessity. They had in his opinion no pretence for a violation of principle! Who was opposed to them? They indeed talked of a faction opposing them; but he asked them were they not the representatives of the Canadian people? Were they not British-born subjects, as well as those who were of English origin? Were they not, too, the representatives of an overwhelming majority of the Canadian constituency? Were not the majority of the representatives supported by the majority of the people? What was the result of the elective franchise, even according to the mode in which it was managed by the Canadians, and by which a double vote was given to those who were called of the English party,—where, in fact, the votes of two of the French Canadians were equivalent to but one of the English? even with the elections conducted in the same channel, and in the same direction, they found the representatives continue equally opposed to their policy. They stood, then, in that predicament with those who spoke the wishes of the Canadian people. And yet they came out upon the Canadians, and because they (the Government) were the stronger, they took from the people their money. They had the right as the stronger, but they had no other right; and, exercising that right, they ought at least to have tried every possible, every practicable means, before they threw themselves on the plea of necessity. Why not make the change that was proposed? They did not consent to it—they would not consent to have an elective legislative council. The question really narrowed itself to this—would they try that experiment?—would they take that step? No; they chose to set the Canadians at defiance. They had the power at present to do so, but how long they would have that power he did not know. This he at least was convinced of, that, no man who was born in that country, and had a true regard for his native land, but would determine to continue the struggle until he should make it impossible for another country to plunder his own. He was sorry to be obliged to oppose the Government; but he felt it to be his imperative duty upon principle to do so.

Mr. *Roebuck* referred to the Government despatches of the 24th of December, 1830, the 15th of March, 1831, and 16th of May, 1831, to show that in the rejection of the propositions there was no breach of faith on the part of the House of Assembly. The noble Lord the Member for North Lancashire had stated that there was—he did so in gross ignorance: the press had dishonestly re-echoed the assertion, and it was now from ignorance repeated by the hon. Member for Nottingham. He was surprised at the Under Secretary for the Colonies asserting that there was a dispute between that House and the Canadians. He denied it. There was no dispute between them; but there was a dispute between the Colonial-office and the House of Assembly of Lower Canada. When he put it to the noble Lord not to press those resolutions, telling him that the House of Assembly would not listen to them, the noble Lord said, he could not believe that the House of Assembly would not listen to that which was the deliberately declared opinion of the British House of Commons. When, however, his hon. Friend the Member for Bridgwater recommended that there should be a delay of six months, then they were told by another Member of the Government, that there was no prospect of any advantage being gained by postponement, that this country had tried concession after concession, and no good had been done. He wanted to know how they were to reconcile these conflicting opinions. The very argument which was urged by the Government in favour of one proposition, was opposed by the Government when another proposition was submitted to them. Then it was said, in favour of these resolutions, that they must get over the present difficulty. Well, let them get over it, as they hoped to do, and where would they be? They would pay the expenses this year, and they would break open the Canadians' strong box for that purpose. What were they to do next year? These resolutions would order the Government to filch from the strong box of the Canadian people a certain sum. It was said, however, that this money was not derived from the people of Canada, but from the casual territorial revenues. The noble Lord, the late Secretary for the Colonies, in one of those bursts of eloquence peculiar to him, while he approved those resolutions, deprecated the idea of infringing the constitutional law passed in the 18th of George 3rd., which enacted that we should never appropriate or apply the revenues of our colonies. He was delighted with that view, because it fell in with his own opinion. The hon. Member for Worcester, another supporter of the resolutions, drew a distinction between the application of funds and the levying of them. We did not levy them, he said; we were only about to apply them; that was to say, if he had a strong box, the hon. Member who had not contributed to it would only come and take certain moneys out of it. He had always thought that the more important question with respect to money was, who had the right to dispose of it? It was of little importance to the Canadians who levied the funds if they, to whom the tax belonged, had not the right to appropriate them. The 47th clause of the 18th of George 3rd ran thus:—"provided always and be it enacted, that the net produce of all duties that shall be so imposed shall at all times be applied to and for the use of each of the several provinces respectively, and in such manner only as shall be directed by any law or laws which may be made by his Majesty, by and with the consent of the Legislative Council and House of Assembly." The preceding clause provided the same thing in almost the same words—that money should neither be levied nor applied without the consent of the legislature of that country. Now, let them remember what they were doing. What lost us the thirteen American provinces? What, but levying and applying their funds without having obtained their consent. The House now proposed to sanction a breach of that law which was passed under the most humiliating circumstances—which was passed after defeat and loss of possession. The noble Lord was suggesting the very step which was taken by his predecessors in office, who lost the thirteen provinces of America. The noble Lord, in effect, told the House that he had no longer any faith in the experience this country had gained, and he was willing to risk the disasters they risked by breaking faith with the colonies. This House had, in consequence of the bitter disasters arising out of the American war, made a contract with the colonies that it would never again attempt to levy any portion of the revenues of the colonies. This House was now about to make a breach in that engagement. It was not the House of Assembly that was about to break faith, but the House of Commons of Great Britain, instigated by the noble Lord, the leader of the House. On the head of the noble Lord would fall the responsibility of these acts. Whatever distress followed, whatever colonies we might lose in consequence of this violent, this flagrant, and, he might use the word, disgraceful breach of faith, posterity would make the noble Lord pay the penalty of it. If he, having before his eyes, all the fatal experience which this country had reaped from the disastrous consequences of Lord North's proceedings, was in that frame of mind in the half century after that, he had cast away that experience—if he was so blind to the teaching of history that he put his foot in the very track of his noble predecessor—if he was determined to risk our colonial possessions, and to risk them by a violent breach of faith, on his head be the penalty of that proceeding.

Mr. *Robinson* was as desirous to promote a reconciliation with the House of Assembly as any hon. Gentleman could be, and if he had the most distant hope that such would be the effect of postponing these resolutions, he would earnestly join the hon. Gentlemen opposite, in soliciting the Government to take that course. But he believed there was no disposition on the part of the House of Assembly of Canada to make any concession; for after a concession had been made to them they had been met by increased and renewed demands, till things had been brought to their present unhappy state. What an absurdity would it not be to ask this country to pay for the serviceof Canada, the money for that service having been voted by the Canadian Assembly, who, however, were not willing to appropriate it? He would tell the hon. and learned Member for Bath, that in his opinion there was an obvious distinction between levying and appropriating the money. It was not proposed to tax the people of Canada without their consent; the money had already been levied by themselves, and the only questi n was, whether it should remain in the public chest in Canada while this discussion was going on, or whether it should be paid to those who were legally and justly entitled to it? Was there any question as to the right of those parties? And if not, ought the public servants to be made the victims? Was there any reason why the judges, for example, should not be paid? Could the hon. and learned Member for Bath say there would be any justice in making them the victims of the differences which unhappily existed? This was a great constitutional question, said the hon. Gentlemen opposite, who charged the House with violating the Act of 1791. That Act was violated, he would contend, not by this House, but by the House of Assembly itself. The Canadian people were originally content with the constitution of 1791, but they now demanded a change which would amount to a violation of that constitution. He had just received a paper from Lower Canada, which satisfied him that the Canadians were aware that these resolutions, or something analogous to them, would be proposed to the British Parliament. With reference to the prospect of any good being obtained by delay, he begged to ask why did not the House of Assembly, having the hon. and learned Member for Bath acting as their agent in this country, instead of passing those resolutions, and having them solemnly entered on their journals—why did they not pass resolutions stating that they would vote supplies for the payment of the officers of the state, and leave the hon. and learned Member for Bath to endeavour to negociate with the Government terms of reconciliation? It was obvious that the hon. and learned Member for Bath had no power to negociate. He had suggested a scheme, it must be admitted; and he would not call it absurd, because that was a harsh term, but he would tell him this, that if it were not absurd, it was one which was inconsistent with the exercise of any authority in Canada by the British Crown. The hon. and learned Gentleman was frequently a warm declaimer in support of the rights of the majority; but when the majority was against himself he appeared to be little disposed to admit the principle. Would he say, that this House was a packed assembly, and if it were not, how could he except to the decision of the large majorities which had declared themselves disposed to support the British Government? It had been said, that the citizens of the United States sympathised with the people of Lower Canada; but he was of a contrary opinion. He had never met with an American gentleman, either in London or in Paris, where he was last year, who did not admit, that the French Canadians were decidedly wrong, and that of all people in the world they had the least cause to complain, having a free constitution, light taxation, and the protection of a powerful government. So far from the citizens of the United States sympathising with them, he believed that in the event of any disposition being shown on their part to call in their aid they would decidedly refuse to interfere at all. There was a free press in the United States; but he would ask, had any of the newspapers of that country taken up the question of the French Canadians?—[Mr. *Roebuck*, "Yes, hundreds."]—He had never seen one. He contended that the Government, in proposing these resolutions, had not gone beyond the necessity of the case; they had shown a disposition to yield a just redress of all practical grievances; and should the Canadians themselves unhappily refuse to reconsider their resolutions, and to meet the British Government in kindness and conciliation, but attempt an appeal to arms—if they should adopt such a course after the declaration of his Majesty's Government of their willingness to redress all real grievances, to modify the legislative council, and take away all reasonable grounds of complaint, he confessed he could see in such a course nothing but a civil war which would be fatal to the Canadians themselves and to the other party. Nothing short of an infringement of the rights and liberties of a people could justify an appeal to arms. There had here been no infringement of the constitution of the people of Lower Canada? there was in fact no constitution existing there, as the representatives of the people had abandoned their functions. It was the duty of those representatives to assemble again and again, and to urge their complaints in a constitutional manner, to appeal to that House in a constitutional way—to that House constituted as it w s of a large majority who were anxious and willing to do justice to every class of the King's subjects, it was their duty to submit their complaints. Connected as he was personally with the colony, and having so large an interest in its preservation, he declared most solemnly he would rather see every one colony separated from the British Crown, and constituted, if it pleased an independent state, if it could maintain itself in such a condition, than see them set up such pretensions, and see this country yield to them what was totally inconsistent with the dignity of the Crown, and the supremacy which the British Parliament ought always to exercise over colonies as long as they were not independent. An hon. and learned Member had told the House that he would take every advantage which the forms of the House admitted, to delay the progress of these resolutions: he had menaced the House with delay. He did not know what course the Government meant to pursue, but if he were in the situation of the noble Lord (Lord John Russell) they would not now be debating this 8th resolution, he would not have separated for the Easter recess till every resolution had been passed. He hoped and trusted that the hon. and learned Member for Bath, and those few who acted with him, seeing by what large majorities these resolutions were sanctioned, would consider that they had fully discharged their duty, and that they would not persist in offering a useless and vexatious opposition.

Mr. *Roebuck* rose to explain. He denied that there was any imperious necessity for the passing of these resolutions. The House of Assembly of Lower Canada had passed a Supply Bill for six months, owing to a curious blunder of Sir F. Head, which made them believe that the instructions to the Commissioners were more liberal than Lord Gosford thought proper to announce. The legislative council threw out this Bill, which had given rise to all the difficulty that had been felt.

Mr. *Charles Buller* would not detain the House five minutes. He saw no use in addressing arguments to the House. The attention of the country had been drawn to this question, the resolutions had not been passed without discussion, the reasons on both sides were before the public, and it was perfectly obvious that nothing could make an impression on the House, and therefore they might as well let this resolution quietly pass. The responsibility fell entirely on his Majesty's Ministers; and he hoped that when the country and the House came to judge more coolly of the matter, they would do justice to those who, in spite of large majorities, ventured to lift their voices against these proceedings. He would venture to say that in a few years these resolutions would be universally condemned as unwise and uncalled for. He had heard a good deal of talk about a rebellion in the colony. Now he ventured to say, that before having recourse to the terrible experiment of a rebellion, the people of Canada would turn their eyes to a country not very far from England, where a very successful, but perfectly peaceable and constitutional plan had been adopted for the purpose of embarrassing the Government, which they believed to be bad. The Government in this instance, was not without blame. The House of Assembly might have committed an error; but the Government should not have taken advantange of that error to call upon Parliament to violate the constitution of Canada, and thus summarily punish a whole people. There was but one course which a sensible Government would have pursued; it should have propounded its plan,—these resolutions if they were proper ones—and should then have sent them out to the colony to see what effect they would produce; if they did not produce the effect desired, then at least the colony would have nothing to say to justify them in their persistance in an unreasonable course, and the Government would thus place themselves in the right in the opinion of all disinterested persons. He regretted that the Government had not pursued this course.

Mr. *Hume* contended that this country had no right whatever to rob the exchequer of the Canadas, and by so doing raise the people to that resistance which must ultimately lead to the separation of the colony from the mother country. When the people of the colony found the Tory faction joined with the administration of the day in carrying these coercive resolutions, would they not doubt the sincerity of that government, who professed themselves anxious to carry out all necessary reforms in the Canadas?

Mr. *Ewart* declared that he would support the amendment of the hon. Member for Ipswich. He thought the resolutions of the Government uncalled for, and worthy only of that party, the Tories, by whom they were supported.

Lord *John Russell* said, that if he had not risen earlier it was not from any disrespect to the Committee that he had forborne entering into the subject at issue. The sentiments and arguments which had been brought forward by the hon. and learned Member for Bath, and others, he must confess did not alter in the slightest degree the view which he and the rest of his Majesty's Ministers had taken of this question. He would not, therefore, repeat his reply to arguments which had before been stated and made no impression on the House.

The Committee divided on the Resolution:—Ayes 118; Noes 32; Majority 86.

List of the AYES.

Adam, Sir C.
Alsager, Captain
Baillie, H. D.
Baines, E.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Barron, H. W.
Bateson, Sir R.
Bell, M.
Berkeley, hon. F.
Bewes, T.
Brocklehurst, J.
Buller, Sir J. Y.
Cavendish, hon. G. H.
Chetwynd, Capt.
Chichester, A.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Crompton, S.
Dalmeny, Lord
Denison, J. E.
Dick, Q.
Dundas, J. D.
Dunlop, J.
Eastnor, Visct.
Ebrington, Visct.
Elley, Sir J.
Farrand, R.
Fector, J. M.
Ferguson, Sir R. A.
Fergusson, R. C.
Fleetwood, P. H.
Fort, J.
Gaskell, Jas. Milnes
Gladstone, W. E.
Goring, H. D.
Goulburn, H.
Graham, Sir J.
Grey, Sir G.
Halford, H.
Halse, J.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Heathcote, G. J.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J.
Hodges, T. L.
Howard, R.
Howick, Visct.
Humphery, J.
Jackson, Serjeant
Ingham, R.
Irton, S.
Johnston, A.
King, E. B.
Knight, H. G.
Labouchere, H.
Law, hon. C. E.
Lefevre, C. S.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lewis, W.
Loch, J.
Lygon, General
Marjoribanks, S.
Marsland, T.
Miles, W.
Moreton, hon. A. H.
Morpeth, Visct.
Mostyn, hon. E.
Murray, hon. J. A.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Visct.
Parker, J.
Parry, Sir L. P. J.
Peel, Sir R.
Pendarves, E. W. W.
Ponsonby, hon. J.
Poulter, J. S.
Rae, Sir W.
Rice, hon. T. S.
Richards, J.
Rickford, W.
Robinson, G. R.
Ross, C.
Russell, C.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Sheppard, T.

Sinclair, Sir G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stewart, P. M.
Strangways, hon. J.
Strutt, E.
Thomson, C. P.
Thompson, Mr. Ald.
Turner, W.
Verney, Sir H.
Vesey, hon. T.
Walker, R.
Westenra, hon. H. R.
White, S.
Wigney, I. N.
Wilson, H.
Winnington, H. J.
Worsley, Lord
Wortley, hon. J. S.

TELLERS.

Smith, V.
Wood, C.

List of the Noes.

Beauclerk, Major
Blake, M. J.
Bridgman, H.
Bulwer, H. L.
Bulwer, E. L.
Clay, W.
Crawford, W. S.
Elphinstone, H.
Ewart, W.
Grote, G.
Hawes, B.
Hector, C. J.
Hindley, C.
Holland, E.
Hutt, W.
Jervis, J.
Leader, J. T.
Molesworth, Sir W.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Palmer, General
Ruthven, E.
Thompson, Colonel
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Ward, H. G.
Wason, R.
Wilbraham, G.
Williams, W.

TELLERS.

Hume, J.
Roebuck, J. A.

Resolution carried.

The Chairman put the ninth Resolution—"That it is expedient that his Majesty be authorised to place at the disposal of the Legislature of the said province the net proceeds of his Majesty's hereditary, territorial, and casual revenue arising within the same, in case the said Legislature shall see fit to grant to his Majesty a civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal offices of the civil government of the said province."

Mr. Roebuck moved, as an Amendment, "That Lord Dorchester having formally and solemnly stated that the casual and territorial revenues of the Canadas should be given up to the House of Assembly, it is expedient no longer to delay the fulfilment of the promise then made by the Imperial Government."

Resolution carried.

The Chairman then put the tenth Resolution—"That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest, and it is expedient that the legislatures of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interests."

Sir *Robert Peel* would take that opportunity of putting a question to the noble Lord, the Foreign Secretary. He wished to know in what position the difference of this country with the United States stood with respect to the disputed line of north-eastern boundary? He wished to be informed whether that question had been adjusted, or whether any progress had been made towards an adjustment?

Viscount *Palmerston* replied, that there had been a great many communications upon the subject between the governments of the two countries, and he could assure the right hon. Baronet that the government of each was animated by a sincere desire to come to an amicable arrangement. He must do this justice to the government of the United States, and to the late president especially, that the central government had laboured under great difficulty with regard to the negociation, from the circumstance of its discretion being limited by certain independent functions belonging to the government of Maine. There had not lately been any written communications on the subject, but many verbal communications had taken place between the government of this country and the American minister here, as well as between the British minister in America and the government of the United States. The whole correspondence upon the subject had been published by order of the Congress in the United States; and, on the publication, the right hon. Baronet would see all the official communications that had taken place upon the subject. He was sorry to say that there did not seem to be any prospect of an immediate settlement of the question.

Mr. *Hume* wished to know if there would be any objection to lay before the British Parliament all the papers that had been published upon the subject in America?

Sir *Robert Peel* asked whether the state of Maine was in the occupation of any portion of the disputed territory?

Viscount *Palmerston* thought, that the whole of the territory was at present in our possession, with the clear understanding, however, that neither party was to exercise within its limits any rights that belonged to a permanent territorial sovereignty.

Sir *Robert Peel* did not exactly see how that arrangement could be made. The land must be occupied by one party or the other. Was he to understand that it was at present occupied by British subjects?

Viscount *Palmerston* replied, that the district was not inhabited. The territory was chiefly covered with forests, and it was agreed that neither party should cut wood in it until the question was finally settled. As regarded the question put to him by the hon. Member for Middlesex, he begged to state that there could be no objection to produce all the correspondence that took place upon the subject, except that it would be a departure from a very wholesome rule generally acted upon in that country, of not producing any papers relating to negotiations still pending. As the papers in question, however, had been published by order of Congress, he did not see that there could be any objection in placing them before the House.

Mr. *Roebuck* thought, the noble Lord could not be aware that the government of Maine had passed some regulations which operated severely upon the neglected and destitute condition of the inhabitants of the disputed territory. The noble Lord said, that Great Britain was in occupation of the territory, but that she could not enforce the rights of occupation. The truth was that at that time there were a great number of persons who were cutting down trees, who were peopling the land, and who were called—a large portion of them—citizens of the United States. The population consisted, indeed, of refugees from both sides of the territory—rogues and vagabonds—who found there a safe asylum from the laws of either country.

Viscount *Palmerston* thought, that the hon. and learned Gentleman must refer to another part of the country, and not to the territory in dispute.

Lord *Stanley*, referring to the terms of the resolution, said that considerable inconvenience had been sustained from the want of a proper regulation of duties between the two Canadas. It was therefore, highly desirable that an authorized tribunal should be established for the adjustment of these matters; but he wished to know what was meant by the words "divers other questions?"

Sir *George Grey* observed, that the tribunal would be composed of a joint committee of the Legislatures of both provinces, sitting at Montreal, and deliberating in common on all matters relating to the interests of both provinces. It was not intended that it should sit as a court of impeachment or a court of appeal, but was to recommend measures for appointing such a court of appeal as should be applicable to both countries.

Resolution agreed to.

The House resumed. The Report to be received.

FORGERY BILL.] Lord John Russell moved the Order of the Day for the Second Reading of the Forgery Bill.

Mr. *Roebuck* said, that he believed the noble Lord had a string of bills all tending to mitigate the severity of the Criminal law. Would it not be advantageous to codify them, and to comprehend them all in one statute?

Lord *John Russell* thought that it would be better to discuss the Bills separately. After the Legislature had discussed them, and made any alterations in them that might appear advisable, they might then perhaps be advantageously combined in one statute.

Sir *Robert Peel* said, he was not aware that the Bills which the noble Lord had charge of would have been brought on that night, and he believed the greater part of the House was equally unprepared for the discussion of them. In the present state of the criminal legislation of this country it was necessary to deal with it effectively and to take a comprehensive view of the nature and effects of secondary punishments. He did not mean to say, that a defective state of our secondary punishments was a sufficient cause why the punishment of death should be increased or continued; but it was absolutely necessary that a complete notion of the effects of both should be had before legislation on the subject was proceeded to. The speech of the noble Lord, in introducing the Bills in question, was condemnatory of the punishment of death as an effective preventive of crime; but it was not more satisfactory in respect to the secondary punishments. For instance, he said that transportation was not an effective punishment. [Lord *John Russell:* at present.] He also said that imprisonment period was equally so. The noble Lord's speech led to the inevitable conclusion that although the punishment of death was unsatisfactory for the purpose for which it was intended, the punishments of transportation and imprisonment were equally so. What then, was to be done? It was most important, in awarding secondary punishments to be well informed as to those which were likely to prove the most efficient. The noble Lord was bound to satisfy the House on that subject before it adopted his measures. There was a Committee moved for by the hon. Baronet, the Member for Cornwall, respecting transportation, which might lead to some result like that desired in one branch of the subject at least. For several years the state of the prisons had occupied the attention of the Legislature, and in that time, various laws had been passed for their regulation. But in the present state of New South Wales—having outgrown, as it was asserted, its original condition of a penal settlement — it was necessary to ascertain whether the time had arrived when the question should be duly considered. He did not object to the second reading of any of the noble Lord's Bills; reserving to himself, however, the right of considering in Committee the extent to which the noble Lord proposed carrying their provisions. If it were decided that transportation to New South Wales was not an efficient secondary punishment, he very much feared too much confidence must not be placed in the substitution of an extended period of imprisonment as a secondary punishment. He was sorry the noble Lord brought this subject on this evening, when it was not expected. An opportunity, however, would offer for its future discussion; and in the present state of public business he was unwilling to delay any proceeding of that nature. The noble Lord, in his speech the other evening, referred to certain documents showing the effect which the mitigation of punishment had already produced with respect to the crime of forgery. Had the noble Lord documents showing that there had been a diminution in the number of forgeries? If he had, it would be a strong justification of the Legislature in proceeding in the same course. Before the Committee on the Bill, he hoped the noble Lord would lay on the table of the House all the information which he possessed with reference to the state of crime, and especially of forgery, not only in the metropolis, but in the provinces.

Lord *John Russell* in the present state of public business, could not defer proceeding with this Bill. On a question which necessarily attracted the attention of the judges of the country, it was highly important that time should be given for the consideration of legislative measures in a state sufficiently advanced for the purpose. With respect to secondary punishments, the right hon. Baronet was perfectly right in stating it to be his opinion, that transportation and imprisonment were far less efficient as secondary punishments than he could wish them to be. That was a question, however, which did not bear quite so much upon the present Bill as the right hon. Baronet seemed to imagine. For he (Lord John Russell) did not pretend, that while the Bill limited the number of capital offences, it would have the effect of limiting the number of executions; the fact being, that although the existing law still retained capital punishments for the forgery of wills and powers of attorney, and although forgeries of wills and powers of attorney had occurred since the passing of that law, not a single execution for either of those offences had taken place. As to the documents respecting which the right hon. Baronet had inquired, he (Lord John Russell) had no others than those to which he had the other evening referred; but he agreed that it was highly desirable to collect all the information possible on the subject; and he would take care that if any existed it should be laid on the table of the House. He believed that the general result with respect to forgery was, not that that crime had diminished since the mitigation of punishment, but it had not increased; and the number of convictions in proportion to acquittals had greatly increased—a circumstance which, in his opinion, would operate very actively in the diminution of the crime. It had been distinctly shown that juries were very reluctant to convict of forgery when the punishment was capital. Before he proceeded with another stage of the Bill, he would take care to give due notice of his intention.

Sir *Robert Peel* said, there was another point on which he wished to say a word, and that was, to recommend to the noble Lord the suggestion that had been thrown out of eventually combining the four or five Bills, the object of which was the mitigation of punishment, in one measure.

Mr. *Wallace* maintained, that the delay which existed in the public business, was entirely attributable to the other side of the House. See their conduct during the last week. The motion respecting Spain, was merely a party question, brought forward for the purpose of delaying the public business. He did not care for the cry of question, whether it proceeded from one side of the House or the other. He repeated, that there was evidently on the part of those who were opposed to his Majesty's Government, a systematic resolution to delay the public business.

Mr. *T. B. Lennard* suggested, that there should be a clause in the Bill providing that although the capital punishment was repealed, the offence should still be tried at the assizes.

Mr. *Jervis* wished the House to give the principle of the Bill further discussion. At all events, he approved of the suggestion of the hon. Member for Essex (Mr. Lennard) that all cases of forgery should still be tried at the assizes.

Lord *John Russell* observed, that if the House objected to the principle of the abolition of death in cases of forgery, they had better throw out the Bill altogether.

Mr. *Goulburn* said, that the noble Lord seemed to imply, by assenting to the second reading of this Bill, the House would be bound specifically to agree to the abolition of the punishment of death in all cases of forgery. He was not prepared at the present moment to go to that extent; he therefore hoped that, in allowing the Bill to be read a second time, he should not be precluded from making any objections which might hereafter appear to be proper, when the Bill should go into Committee.

Mr. *O'Connell* was of opinion that the principle of the Bill did not go far enough.

Bill read a second time.

OFFENCES AGAINST THE PERSON.] On the motion that The Offences against the Person Bill be read a second time,

Sir *Robert Peel* had understood by the noble Lord's former speech that the object of the Bill was to take away from the Secretary of State for the Home Department the power of preventing the execution of capital punishment. He was rather averse from that, as he could not think the sentence of the judge altogether relieved the Secretary of State from the responsibility of advising the crown to carry the sentence into execution.

Lord *J. Russell* did not think it proper that the Secretary of State should have it in his power to say—"It is my opinion that such a law should not exist,"—as that which the judges had been already called upon to administer, in a case where they had reported that they could find no mitigating circumstances.

Sir *Robert Peel,* there were 432 capital convictions for burglaries; and, out of these, only one carried into execution. The presumption of law was that, to meet the justice of all these cases, all the criminals should have been executed; but the fact was that the Secretary of State had opposed the judgment of the courts which tried them, and successfully intervened in 431 cases out of the 432. Ought such a power lightly to be abrogated?

The *Solicitor General*: The judge under this act, would not be bound to sentence according to the finding of the jury, nor must the sentence be carried, of necessity, into execution. He agreed with the right hon. Baronet, that if, in this measure, we were making a retrograde movement in the course of consolidation already entered upon, we should be doing something that would be highly objectionable.

Mr. *Arthur Trevor* did not think the punishment of death should be abolished in any of these cases without much careful consideration and for this reason—that the property of the subject required to be protected by the strong arm of the law;—If death were not inflicted in the more heinous cases, the crime of burglary would be fearfully increased. Very few persons undertook to commit a midnight burglary, who would not, if the exigency of the case required it, commit the crime of murder. He concurred in that part of the clause, which leaves the consideration of the question of carrying capital sentences into execution to the merciful consideration of his Majesty.

Mr. *Hume* did not like vesting discretionary power in judges. He would remind the House, of Lord Camden's *dictum* on that subject, "that the decision of the judges is the law of tyrants. It is a law unknown — different in different men —casual, and governed by their conscientiousness, their temper, and many other circumstances."

Mr. *Wakley* thought the bill would alter the law for the worse. The object ought to be to make the law as certain as possible; but this bill actually offered a strong temptation to murder. Suppose a man to break into a house, and to be nearly taken, he would make a vigorous endeavour to escape and might knock down his antagonist. But doing so, and being seen by a constable, for example, to have put his foot in the house, he would subject himself to the punishment of death. If, to secure his escape, in the first instance, he was to commit murder, his situation would be not one wit worse than if he had only struck the constable, and been taken in his attempt to escape. It could not be the intention of the House to put the two offences on the same footing of punishment; for, if it were, instead of one case of murder, there would, be scores in a year.

Mr. *Ewart* objected to the discretion proposed to vest in the judge, though he knew that certain limits in these matters must be allowed to him. But that discretion should be as little as possible; and those limits should be so well defined and fixed, that he should not be readily able to pass them.

Mr. *Richards* said, as far as he could learn, the judges had always exercised the soundest discretion, and given the utmost satisfaction. He doubted the soundness of the principle set up to-night by the Gentlemen on the other side of the House, who thought that, by diminishing the punishment at present attached to the crime, they should materially diminish the number of burglaries. It was a received opinion, that men were acted upon by the hope of reward or the fear of punishment. He thought that the operation of a measure like this would be the reverse; and that there was a vice in its principle. The law affixed the penalty of death to burglary and wisely left it to the discretion of the judge, guided by the facts of the case, to determine the nature of the sentence. They had heard from the hon. Member for South Durham, that out of 432 convictions, in only one case was the penalty of death inflicted, these offenders, then, were under a salutary fear of being punished with death which if anything could, would have prevented their delinquency. In a former Session of Parliament, a law passed, which took away the punishment of death for the offence of sheep stealing. A magistrate of the highest respectability, had, however, informed him that, where they used to lose one sheep, they now, under the altered law, lost ten. In the parish where he resided the offence of sheep stealing has also increased tenfold. The punishment under the new statute was transportation; and he admitted, that that punishment fell with much more certainty on the criminal, than the capital punishment. But the increase of the cases proved that the mitigation of the punishment in no way discouraged the frequency of the offence. They had taken away the fear of death, and had thus diminished the fear of committing the crime. The experience of ages taught our ancestors that it was much wiser to affix a heavy and extreme penalty to burglary, robbery, and violence, and to leave it in the discretion of the judge to mitigate that penalty according to the character of the facts. And he must challenge hon. Gentlemen who talked so freely and so self-complacently about their strong objections to lodging this discretion with the judges, to come forward with authenticated instances—in which those venerable and learned persons had abused their discretionary power. He was prepared to maintain, that they had ever exercised it with the greatest wisdom and humanity. He willingly gave the noble Lord, the Secretary for the Home Department, every credit for the purity of his motives in proposing this change in the penal code; at the same time he thought it was a very mischievous alteration, and it was impossible for him to support the noble Lord's proposition.

Sir *Robert Peel* could not agree with his hon. Friend; for his argument, as to the results which the experience of our ancestors had arrived at, and the expediency of our imitating those results, would go to affix the penalty of death to every offence against person or property, however modified or mitigated by the circumstances attending it. He could not perceive the expediency or propriety of the doctrine which prompted our ancestors to exact the life of a man for robbing another man of his sheep. The question immediately before the House was, shall we diminish the discretion of the judge in apportioning sentences in criminal cases; however theoretically perfect the state of that law might be which affixed certain punishments to certain offences it would be impossible in practice to confine the discretion of the judge in sentencing for those offences within certain and specific limits. The administration of the criminal law, could not be so administered. If they were to require that the punishment affixed to each offence, as its penalty, should be inflicted in every instance, the law would become of such intolerable severity that the public would revolt at its execution. The hon. and learned Member for Liverpool seemed to think, that the Legislature should limit the discretion within certain defined limits, because of the variety of tempers and feelings, in the different judges; but since he admitted, in the same breath, that some such limits must be allowed, it was evident, from his own argument founded on this variety, that the other part of his proposition, as to laying down certain defined and specific limits, beyond which this discretion should not be carried, was altogether impracticable. He was however prepared to admit, that if practically you were to assign no limits to the exercise of this discretion on the part of the judges, you would be countenancing a practice to the full as absurd and inexpedient as that which your specific limitations would, undoubtedly, introduce.

Mr. *Pease* was far from fearing that the discretionary power of the judges was abused; apprehensive, lest, in regulating or amending the existing law, they should too much narrow its exercise. To the judicious occasions upon which this had been put forth, and the beneficial consequences which had ensued from it, he could speak from personal observation.

Lord *John Russell* said, with regard to the case suggested by the hon. Member for Finsbury, as to the liability which a man would expose himself to, if, being caught in the commission of a burglarious offence, he were to knock down or wound a constable in the attempt to effect his escape; it was merely necessary to say, that that would be a case in which the judge who tried it would certainly affirm, that that was not a case which this part of the law was intended to visit.

Bill read a second time, as were also the following Bills:—Burglary and Stealing in a Dwelling-house; Piracy; Burning and Destroying Buildings and Ships; Punishment of Death; Transportation for Life; Pillory Punishment Abolition Bills.

HOUSE OF LORDS,

Tuesday, April 25, 1837.

MINUTES.] Bills. Read a first time:—Limitation of Actions.—Read a second time:—Small Debts (Scotland).

Petitions presented. By Lord KENYON, from Husthwaite, for Amendment of Poor-laws Amendment Act.—By Viscount MELBOURNE and Lord BROUGHAM, from various places, for the Abolition of Church-rates.—By Lord BROUGHAM, from Glasgow, for Small Debts (Scotland) Bill.—By Lord KENYON and other Noble LORDS, from various places, against Abolition of Church-rates.—By the Earl of BANDON, from the Conservative Institution of Cork, against the Measure for the Reform of Corporations in Ireland.—By Lord BROUGHAM, from Richmond, Kingston-upon-Hull, Warwick, and Kells, for the Municipal Corporations Reform (Ireland) Bill.—By the Earl of GLENGALL and the Earl of HAREWOOD, from various places, against the said Bill.

MUNICIPAL CORPORATIONS (IRELAND).] The Order of the Day having been read for the second reading of the Irish Municipal Corporations Bill,

Viscount *Melbourne* moved, that the following paragraphs in his Majesty's most gracious Speech at the commencement of the Session respecting Ireland be read by the clerk.

"His Majesty has more especially commanded us to bring under your notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommends to your early consideration the present constitution of the Municipal Corporations of that country, the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse as your experience and knowledge of the subject enable you to suggest. His Majesty commits these great interests into your hands, in the confidence that you will be able to frame laws in accordance with the wishes of his Majesty and the expectation of his people. His Majesty is persuaded that, should this hope be fulfilled, you will not only contribute to the welfare of Ireland, but strengthen the law and constitution of these realms, by securing their benefits to all classes of his Majesty's subjects."

Viscount *Melbourne* then spoke to the following effect:—My Lords in rising to move the Second Reading of the Bill entitled "The Irish Municipal Corporations Bill," I have the satisfaction to feel that it will not be necessary for me to trespass on your Lordships' patience at so great a length as I was compelled to do in former years. With respect to its details they are much the same as in the Bills which have already been under your Lordships' consideration. Your Lordships well know that the object which the Bill has in contemplation is to abolish and abrogate the present Municipal Corporations in Ireland, and to substitute for them an improved form of Municipal Government. The names and schedules comprehended in the Bill are nearly the same as they were in the former Bills. The Bill is adapted to the same principle of population; providing that all towns with a population of 3,000 persons shall have a Municipal Corporation. It also provides that the qualification for election shall be 10*l.* in the larger towns and 5*l.* in the smaller. There are some slight variations or differences in the details: but to them it is not necessary for me at present to call your Lordships' attention. I will only at present say, that they are founded on the experience with which the working of the Municipal Reform Bill in England has furnished us. There is only one point of great importance in those details; namely, the manner in which the sheriffs of cities and towns in Ireland are to be nominated. According to the existing law, those sheriffs are elected by the town councils. In the Bill of last year the nomination was placed in the hands of the Crown. We now propose to steer the middle course. We propose that the town-council shall nominate three persons, one of them to be approved of by the Lord-lieutenant. If he rejects all three, the town-council is then to nominate three more; and if the Lord-lieutenant disapproves of them all, he is to nominate the sheriff himself. There is nothing more in the clauses of the Bill which affects its principles. My Lords, I bring forward this Bill in pursuance of the paragraphs in his Majesty's most gracious Speech, which, at my desire, have been read by the clerk. In that speech his Majesty was advised to call the attention of Parliament to the state of Ireland, with a view to put down the existing evils in that country, and to enact such measures with respect to it as might be calculated to be beneficial. In order to carry that recommendation into effect we have introduced three measures; not as connected, or united, not as dependent one upon the other, but as distinct measures, of which Parliament may reject the one and accept the others; and yet as measures all of the highest importance, and in our opinion entitled to the most serious consideration. As this is the first of those measures, I beg leave very briefly to state the circumstances under which it appears. The Bill is divided into two parts; the first part goes to the abrogation of the corporations now in existence. In the former discussions which took place in this House upon the subject there did not occur, and I apprehend that in the present instance there will not occur, much difference of opinion on this point. All parties agree in the propriety and expediency of abrogating the present system of Municipal Government in Ireland. Some are averse to it for one reason, some for another, but the greater part are opposed to its continuance, because they consider the Irish Corporations to be exceedingly narrow, limited, and exclusive. I do not mean exclusive merely as Protestants, but exclusive even in their Protestantism; the fact being, that they do not comprise any important part of the really respectable portion of the Protestant body in Ireland. That I apprehend to be the general feeling manifested by the decisive votes of the House of Commons, and expressed in the opinions of a large majority of your Lordships—a circumstance which exempts me from the necessity of dwelling further on that part of the subject. My Lords, I cannot but feel hope—I cannot but flatter myself—that we come to the discussion of this question in the present year under more favourable auspices; that we come to the discussion of this question in the present year in a better temper of mind; that we come to the dicussion of the question in the present year, with a calm consideration, calculated to produce a fairer investigation of its merits, and a more impartial and judicious decision with respect to them. Last year we were somewhat in a state of irritation, the result of the municipal elections in this country. In the course of those elections strong party feelings had been generally excited, and erroneous views were taken by the noble Lords opposite of the manner in which they supposed the power of the Crown had been exercised on the occasion. I apprehend that all this irritation is now subdued. Nay, I understand that it has been stated, on great authority, in the House of Commons, that these Town-councils of ours have become very good Conservative assemblies. It appears, therefore, that the English Municipal Bill, notwithstanding the fears of its opponents, has been productive of no bad effects; but on the contrary, that when it becomes matured and mellowed it will prove to be a measure of the most salutary character. But I think that, employed as we now are in considering the merits of a new Municipal Bill for Ireland, we should rather neglect our duty if we did not look a little to the effect of the Municipal Bill in England—if we did not examine how far it has succeeded in working out the objects for which it was passed; and especially in producing a greater harmony of feeling in the various corporate towns than that which previously existed. On these subjects I have received several reports of the most satisfactory nature. With your Lordships' permission I will read one that has reached me from Bristol, because it is most clear and distinct with reference to the beneficial effect which the Municipal Bill of this country has already had on local relations and affairs:—

"BOROUGH OF BRISTOL—WORKING OF THE MUNICIPAL REFORM ACT.

"I. AS A MEANS OF LOCAL GOOD GOVERNMENT.

II. IN THE ADMINISTRATION AND SECURITY OF CHARITABLE TRUSTS.

"1. *Local Government.*

"Under this head it is necessary to premise, that had an equitable allotment of councillors been made to the several wards, the party most identified in feeling with the new system would have obtained a majority of six councillors at the first election: and that, consequent upon the error of the barristers, the political friends of the old corporators did obtain a majority of two voices, which enabled them to increase it to twelve, by the election of partisan aldermen. And although this majority has, by the subsequent election, and by one death and a removal, been again reduced to two, it has sensibly impeded the beneficial operations of the measure. The excellent principle of the Municipal Reform Act has, however, been found, in spite of all obstructions, to develop itself, 1st, in the better administration of justice;—2ndly, in the increase of public security;—3rdly, in the more judicious administration of the city property;—4thly, in the *creation* of confidence in the municipal body;—5thly, in softening political and religious animosities; and, 6thly, in the consequent prospect of greater prosperity.

"1st. *Administration of Justice.*—The improvement in this important constituent of good government has been very extensive and most beneficial to the borough. Justice is more accessible, cheaper, and more efficient, and some corruptions which have impeded it have been exposed and removed.

"*Justice is more accessible.*—Formerly the magistrates were a non-resident body, and prisoners taken in the act of felony have been suffered to go loose from the impossibility of finding a magistrate to hear the charge. Now the magistrates reside in the borough, and no difficulty exists at any hour of finding one in almost any locality.

"*Justice is cheaper,* independent of the saving of time, a most important consideration to a trading community, by the facility with which a charge may now be heard and decided on by a magistrate. Formerly offenders were often not prosecuted because of the expense attending it; an expense which fell exclusively upon the prosecutor, however praiseworthy his conduct might be. The citizens resisted the imposition of a county-rate out of which such expenses might have been paid, on the grounds that it would have been levied and administered by an irresponsible body; and insisted upon first ascertaining whether the corporate property, duly administered, was not equal to this burthen, and fairly chargeable with it. The magistrates forming the old aldermanic body, fearing the consequences of the struggle, never enforced the rate; but a fund is now provided, from which the legitimate expenses of the prosecutor are paid, and justice is thereby facilitated.

"*Justice is more efficient.*—Formerly the criminal jurisdiction at sessions was vested in the committing magistrates; and that of assize, extending even to punishment by death, in the recorder and aldermen. Now, the first is placed in the recorder's hands, the last in the hands of the judges of the land, by whom it is administered far more satisfactorily to the public. The power of trying a prisoner by the committing magistrates has ever been looked upon locally as most objectionable; while it was felt that cognizance of life and death required the sanction of the highest authority, and was not a fit power to be delegated to any section of a body so constituted as a close corporation. The administration of justice in Bristol has thus attained a higher degree of respect in the public mind, consequent upon the change.

"In civil law Bristol has immemorially possessed a court, called the Tolzey, having a power of foreign attachment, and empowered to take all causes which may be tried at Nisi Prius. In this court actions may be decided in about two months, at an expense of about 10*l.* Yet, by a series of appointments, by the old corporation, of men notoriously incompetent to discharge the duties of judge, the public were deprived of these advantages, and driven from this court into others, where the expense was quadrupled and the delay greatly increased. Under the new law, the recorder has been constituted judge of the court, and competent ability in such an officer it is always in the power of a city like Bristol to secure.

"*Justice has been weeded of its corruptions.*—Among its civil courts Bristol possessed one most valuable to the poor—the Court of Conscience for the recovery of debts under 40*s.* The patronage was in the old corporators, who were the commissioners, and by whom it was used to pension off the decayed members of the body. The last appointment to the registrarship of the court was that of a bankrupt alderman, in whose hands, although notoriously, to the day of his death, in pecuniary difficulties, the money of the suitors was suffered to accumulate without any security. Upon investigation by the new body it was found that the office had practically, in the hands of the registrar, become a sinecure of from 1,000*l.* to 1,400*l.* per annum; that illegal fees had been extorted from the suitors; and illegal imprisonments inflicted by the commissioners; and that the balance in the hands of the registrar exceeded 2,000*l.* The new commissioners restored the fees to their legitimate standard, reduced the terms of imprisonment to those which could legally be enforced, exacted ample security from the newly-appointed registrar, and put an end to all further wrong to the suitors, by causing all sums received, to be applied to the liquidation of claims on account of which they were paid; and all previous demands to be satisfied so far as might be out of a sum of about 500*l.*, which they luckily secured from the old registrar.

"This sum was just expended when his death occurred, leaving him in default to the poor suitors of the court to the extent of 1,800*l.*, an event which had been predicted and commented on, from the known extravagant habits and involved circumstances of that officer, many years before.

"2nd. *Public Safety.*—Under the old system the watching of the borough was as bad as it could be, and it was found impracticable to amend it, although several times attempted, from the impossibility of overcoming the jealousy and removing the hostile feeling mutually existing between the old close body and the citizens.

"The suburbs were then, for the most part, entirely without a police or a resident magistrate, and the greater and more dangerous portion was neither watched nor lighted at night. Naturally part of the borough, although excluded from its jurisdiction, they were the nurseries of the crimes which infested the city, while the city was unable to supply the best check, prevention, by reason of its limited authority. The extension of jurisdiction, under the Municipal Act, has been productive of the happiest effects; the whole district is now efficiently watched throughout, day and night, property is immeasurably safer than before, and there is already a perceptible difference in the character of the populace of a most beneficial nature.

"3rd. *Financial Reform.*—The management of the civic property by the old body was of a most wasteful and improvident character. With an income averaging 16,000*l.* per annum, its debts, at the period of the change effected in its constitution, amounted to upwards of 100,000*l.*; whilst its expenditure so far exceeded its income, that twenty years proceeding at the same rate would have made the body bankrupt; and the trust estates would have probably been involved in the ruin like the Charities. The saving already effected in salaries alone is, notwithstanding the jurisdiction, double its former extent, 6,000*l.* per annum. From the sale of advowsons, the most objectionable species of patronage which such a body could possess, nearly 40,000*l.* will accrue to the city.

"4th. *Public Confidence.*—One of the greatest advantages which the city has derived from the introduction of this law is the absolute creation of what before did not any where exist—public confidence in the local government. Whether the elements of this confidence consist of entire reliance on the parties chosen as councillors by the burgesses, or on that corrective nature of the constitution of the governing body inseparable from the principal of representation, is of secondary importance, for its good effect is the same. Formerly any movement of the corporation with reference to the public was always met on the part of the citizens by parochial meetings and central committees of delegates, then followed negotiations, in which ready suspicion on the one hand played at cross purposes with excited jealousy on the other, and the result always left the breach wider than before. Now, the debates in the town council give to public feeling vent enough; the movement comes from within, and agitation and its evils are avoided. This feeling is shared by all parties; most assert, none deny, the benefit of the change.

"5th. *Party virulence* has been softened down; and not only party virulence, but sectarian virulence also; this, in a moral and social point of view, is one of the happiest effects of the change of system. In no place have party and sectarian feeling run higher than in Bristol; and in no place have more disastrous effects been in consequence produced. The operation of the change has been to throw party leaders together; and, the first jealousy overcome, acting together in matters where party could be forgotten, they have learned to respect each other's talents and virtues, and to forget distinctions of opinion, whereby they could only be remembered to their common injury. The consequence is, that there is more and heartier union, and a better feeling on subjects of common benefit; and thus one element of prosperity has been, though indirectly, given to Bristol by this measure, which Bristol previously wanted, and suffered for the want of."

Now, my Lords, I have also received reports of a similar nature from Leicester, from Norwich, from Liverpool, from Cambridge, from Ipswich, and from other places; and although they differ in some respects, yet essentially the writers of them concur with the writer of the report which I have just had the honour to read to your Lordships. They declare generally that the administration of justice has been improved—that there has been a great diminution of public abuses, more especially with reference to police. It was on that last point that the noble Lords opposite were the most apprehensive. They were afraid that the new town-councils would not place the police in a situation calculated to maintain the public tranquillity. It now appears, however, that the operation of the English Municipal Bill has been most advantageous with reference to the police. All this, my Lords, is a great good. Then I say that this great good we ought to endeavour to communicate to Ireland. It is on the working of the English that I recommend to your Lordships the adoption of the Irish measure. It is not necessary to go back to the examples of Greece or Rome, or the more recent ones of the Netherlands and other parts of the Continent. All these are in favour of the plan which I recommend; but the success of the English measure is a much more powerful motive. At present the members of the Irish Corporations are too much in the habit of looking to the Castle, and of doing nothing for themselves. But there is nothing which unfits the Irish people for taking upon themselves the duties which this Bill will impose. Thus to employ them, and give them important duties, may give completeness to what is at present considered a deficiency in the Irish character. Really, my Lords, the question is reduced into a very narrow compass. It is contended by the opponents of this Bill that it is not applicable to Ireland, in consequence of the different position in which that country and England are placed in consequence of the difference of religion in Ireland—in consequence of the violence of politics in Ireland, and of the social bitterness which that violence engenders. It is said by the opponents of the measure that we only propose to transfer power from one body to another, from the Protestants to the Roman Catholics. My Lords, I rather doubt that. From all I know, from all I see, and from all I have heard, I very much doubt if such will be the effect of the adoption of the Bill under your Lordships' consideration. But supposing that you give up some power to these new town-councils, let me ask your Lordships what is the nature of that power? It can in nowise be dangerous. It is said that hope tells a flattering tale; but fear tells one full of intimidation. It has been alleged that these town-councils will become "normal schools of agitation." Possibly political matters may be agitated in these town-councils, and on those matters they may be induced to present addresses to the King and petitions to both Houses of Parliament. If that be the danger apprehended, I hold it very cheap indeed. If they step out of their sphere, depend upon it their influence will be very small. None are so weak as those who endeavour to go further than they have a right to go. There is, therefore, no danger that they can have any such bad effect as is anticipated. Public opinion would divest their proceedings of all weight and if they stepped beyond the bounds of their duty they might be safely left to bring forward measures which would be only a proof of their own weakness and imbecility. With respect to the influence of town-councils, I do not consider that even of such importance. But are there no other assemblies at present? Are there no general associations? And I mention not these for the purpose of proving that they may have much effect on Parliament, but I point them out to show that these associations have the means of influencing the return of Members of Parliament. I mention them to prove that by correspondence, and by raising funds for supporting candidates, they may act as efficiently, and more efficiently, than town-councils in returning Members either of Conservative or Radical principles. That is the real object in view, and it therefore becomes your Lordships to take that circumstance into your consideration. But it has been said that these new town-councils, under a popular Government, may be so constituted as to affect the stability of the Protestant Church. Now, I cannot think that much danger is to be apprehended on that account, because the danger, if danger there be, will come, not from town-councils, but through the medium of Members of the House of Commons. That is the dominant body, and I think I am therefore justified in setting the one against the other. These town-councils might use the borough funds, it has been said, in strengthening a particular candidate; but those who make this assertion ought to recollect, that there would be a proper management of the borough funds, that there would be a just and efficient superintendence of the accounts, which are under the control and management of the town-councils elected by the rate-payers, and that there could be no opportunity of applying the funds to the purposes of corruption, as was done under the old system. As far, therefore, as regards the managements of the funds, and the patronage in the gift of each corporation, I think their importance has been greatly overated—that the greater part of the influence arising from these will be withdrawn under a new and well-constituted system—and that, therefore, the arms which may be obtained from these quarters are not so formidable, nor can so much use be made of them as some anticipate. I therefore, call on your Lordships to accede to this measure. It is but a little to give, and a great deal to withhold; and I implore your Lordships to consider the subject carefully, and view attentively the large grounds on which it stands, before you reject the Bill. It will not do now to say that you will reject the Bill because the great majority of the people of Ireland are of the Roman Catholic religion. It is impossible to say that, and, at the same time, look forward to the future well government of Ireland. Is there any probability that the Roman Catholic religion will prevail less than it does now in that country? Is there any chance of it diminishing—is that likely? If we look to all that has occurred for centuries—if we are to be guided by the experience of the past, it is impossible to suppose that any number of Roman Catholics can change that religion which has taken such a deep hold of their minds, and in which they were born and bred up. If I am to be guided by the opinions of learned divines, both of the last century and the present day, I cannot come to any other conclusion. I know that some say that Catholics are gaining on the Protestants, and that point has been urged in both Houses of Parliament, but I doubt it; I think the natural apprehension of these individuals leads them astray on the subject, but certainly those best acquainted with the subject consider that there has not been and is not likely to be any great change in religious opinions. If not, why then make a law which shall interfere so materially with the liberty, the feelings, and communities of a people now in connexion with this country? I trust that nothing will ever be done by England to weaken that connexion, and that nothing ever will arise which can lead to the separation of the two countries. That union has been sanctioned by time. The two countries have been bound together by mutual alliance—by intermarriages—by every relation of life—by the mutual possession of property, and by mutual advantages which affect both countries, whether we look to their operation in time of peace or the maintenance of our security in time of war. If we look to the history of the union we shall find of what advantage it has been in days of danger and difficulty; and such an impression has that made that an historian, perhaps of a superstitious and poetic character, has said that whenever the two countries have been nigh separation, there has always been something like the unexpected hand of Providence to keep them united. If we look to the history of the two countries we shall find that the victory gained on the field of Aughrim was owing to the accidental death of the celebrated French general who commanded, and on that account the battle was decided in favour of King William. Historians say there was but one man in the field who could have saved the army opposed to him, and that man was killed. If that was the character of the union at that period, how much more striking has it been since, when the country was at one time in such imminent danger, when battalions of volunteers were raised at a moment, when the safety of the state might be said to be hanging by a thread, and the danger was overcome by the patriotism and the prudence of those men at the head of the popular party? The same circumstances occurred in the terrible days of the French revolution. It is impossible not to see what dangers the union passed through at that time; and I therefore pray your Lordships not in any way to run the hazard of doing for yourselves what neither the legitimate claim of King James, backed as it was by the existing religion of the country, nor the power of Louis 14th, nor the national calamities and disasters arising from the American war, nor the horrid events of the French revolution, were able to effect. I pray you to do everything in your power to preserve that union which has come through so much danger and difficulty successfully and triumphantly. This Bill is one of infinite importance when compared with the consequences of its rejection. It is of great importance that the Corporations, as they at present exist, should be done away with, and that better Corporations should be substituted for them. Such is the object of the Bill; but the opposition which has been shown to it, the grounds on which that opposition is based, and the language which has accompanied the manifestation of that opposition, have swelled the Bill into an importance that really it does not possess. I beseech your Lordships to desist from further opposition, and to cease that unnatural and dangerous conflict which you have begun. I pray you to be the first to give up all petty jealousies, and to discontinue the perilous warfare that has been commenced. Let us not be the first, my Lords, to sever that union which has existed so long, and which has promoted the mutual benefit of England and Ireland.

Tuque prior, tu sparce, genus qui ducis Olympo:
Projice tela manu, sanguis, meus.

As you have the power, so exercise the grace of bringing the matter to a speedy, an immediate, and a satisfactory conclusion.

The *Duke of Wellington* wished to avoid every thing that would interfere with that good temper and calm deliberation which had been recommended by the noble Lord whom he was ready to meet on his own principles. He was certainly one of those who so far concurred with the noble Lord in the measure of last year as to agree to the second reading of the Bill, which he did upon the principle that the existing Corporations of Ireland ought not to be continued. But he believed it might be contended with great truth that those establishments were formed with a view to support and protect the Protestant religion and Protestant interests in Ireland. It was perfectly true that the Legislature had, within the last half century, made more than one attempt to improve those Corporations, or to mix with them other persons besides Protestants, and that those attempts had been successfully resisted by those Corporations. For himself he could say, it was not his wish, and he believed it was not the wish of any number of persons in that House, that the exclusive system of those Corporations should be maintained. But there was a great deal of difference between putting an end to those Corporations, and establishing another system directly the reverse, a system which, in fact, under the name of Corporations, introduced another description of Corporation, which was to be exclusive in another sense, and fitted to produce in every part of that unfortunate country, an entire revolution in the whole of its local affairs. He believed the Ministers of the Crown had totally failed last year, both in that and the other House of Parliament, to prove that this exclusive system ought to be adopted; and he was therefore surprised that they should come down a second year, and propose, not only the same measure, or, as the noble Lord had said, not the same measure which he proposed in the former year, and which he failed in obtaining, but a measure which he admitted himself to be not so good as that which he then brought in. What he contended was, that if the noble Lord had intended to conciliate that House and to draw from it its support to his measure, he ought to have brought forward a measure in the other House of Parliament more consistent with the views entertained by their Lordships' House, such a measure as would have had the effect of removing the inconveniences of the existing Corporations in Ireland, and which would, therefore, have obtained the support of that House in favour of an efficient system of reform. He had various objections to this measure. In the first place he objected that it was proposed to give votes to the lowest description of the inhabitants of the towns who were to have Corporations. The noble Lord had adduced the example of the Corporations of England. Why did he not introduce the same qualification for electors into this Bill as was laid down in the English Corporation Bill? Why had he reduced the qualification to so low a sum as 5*l.*? The qualification, low as it was, was not to consist of a tenement of that value, but of every description of property the holder of the tenement might possess. Then there was no proof whatever required of possession, as there was under the Reform Act. He begged their Lordships to look at the scheme of taxation attached to this measure. The English Bill gave power to the town-council to levy a borough-rate, of the same description as the county-rate. According to this measure the town-council was to levy a rate upon the principle of the 9th of George 4th, which was, that the rate should increase in proportion to the amount of property possessed by the rate-payer. By that Act the tenant of a house of the yearly value of 10*l.* was to pay a rate of 6*d.* in the pound; tenants of houses from 10*l.* to 20*l.* were to pay 9*d.*; and those who occupied houses above 20*l.*, 1*s.* in the pound. That principle had been introduced into this Bill notwithstanding the strong objection which was taken by that House against it in the course of the debates on the Bill of the last Session. But there was a more objectionable portion of the Bill still, namely, that which provided against any alteration; so that the town-councils would be left to take their own course, and would have little else to do than to lay on an expensive rate on the inhabitants when they pleased. The noble Lord had been pleased to give the House an account of the improvements which had attended the establishment of Municipal Corporations in England, and he had recommended the example of those Corporations to the attention of their Lordships. The noble Lord would lead the House to expect that the same advantages would be enjoyed in Ireland; but he would beg leave to remind the noble Lord that those reforms which had been made in England were not required in Ireland. There was no want of a police in Ireland. That country was well provided with police everywhere, and, in point of fact, one of his greatest objections to this measure was, that it went to provide for the establishment of a local police. It was proposed to establish a police which was to have a jurisdiction over all parts of the country in which the town or Corporation might be situate, and all parts of any adjoining county within seven miles of that town. He repeated that it was one of his strongest objections to this measure that the corporate towns were to raise what were called constables, but which were neither more nor less than armed men, by means of whom they might be enabled to carry on a war against order, or, if they thought proper, against the resident gentry and magistracy of the district. Under these circumstances he believed that such a measure, giving to the town-councils these powers of levying rates upon the arbitrary system of the statute of the 9th of George 4th, was improper. The system of the 9th of George 4th had been adopted solely to save the Corporations the expense of an application for a private act, and to enable them to adopt that system if they so thought proper; but to force that system upon these towns, as it would be by the operation of this Bill, he must object. It was perfectly true that these towns might take this system of taxation—that they might either submit to it or apply by petition to Parliament for a private Bill; but he believed it was without precedent that Parliament had ever forced upon towns a system of taxation of this description by means of town-councils, without having their previous consent to the adoption of the system. Now, he begged leave to observe, that the 5*l.* voters, who in these Corporations might have to vote for town-councillors who were to have the power of laying on this system of taxation, might be persons who might not be so qualified as to be liable to any taxation under the provisions of the 9th of George 4th. This was not the principle of the act which had been applied to this country—it was unfair and inapplicable to Ireland, and he must say, that having thrown the whole matter into the hands of the lowest description of the population, and having no check upon them, the leaders and demagogues of these towns would impose taxes on the property of the neighbourhood, of which they themselves would not be called upon, or liable to sustain any part. Certainly, he (the Duke of Wellington) should be justified in the opinions which he held in giving his vote against the second reading of this Bill, but being sincerely desirous to be able to make such amendments in it as would render the measure fit to pass their Lordships' House, he would not oppose the second reading; and he earnestly recommended their Lordships to give the Bill a second reading, and to allow it to go into Committee, in order to see what alterations may be adopted to render the measure fitting and suitable for the purposes for which it was designed.

Lord *Lyndhurst* said, that he did not rise for the purpose of now entering into the general merits of the measure now under their Lordships' consideration, but he rose merely to state the reasons upon which his vote was grounded. He entirely agreed with the noble Duke who had last addressed their Lordships, that this Bill ought to be read a second time. On the discussion which took place on this subject last year, their Lordships had all agreed, that the present constitution of the Corporations of Ireland had been productive of evil, and that some remedy was required to be applied; and it would be inconsistent with that admission now to refuse the second reading of the Bill. It appeared to him, that their Lordships would act inconsistently with the course which had been pursued last year, if they were to move, on the motion for a second reading, the rejection of this Bill; and he was desirous to avoid any inconsistency with the course taken on that occasion. The third reason he had for the second reading, was the answer which had been given by this House to his Majesty's Speech from the Throne, by which they had stated in the most distinct and precise terms, that they would take this important subject into their most serious and attentive consideration. It therefore appeared to him, that he should act inconsistently with the pledge given on that occasion, if he did not allow this Bill to be read a second time, according to the motion of the noble Viscount. There was another ground which he thought required noble Lords on his side of the House not to oppose the motion of the noble Viscount, and that was the language which had been used in one of the reasons assigned in the conference with the other House of Parliament, when the measure of Irish Corporation reform was before this House last Session. It appeared to him, that by it this House was pledged to entertain this subject; and that if they did not accede to the motion, noble Lords on his side of the House would act inconsistently. Having stated thus much, he begged to say, it was not his intention, on the present occasion, to go into the consideration of the provisions of this Bill, as he acceded to the motion of the noble Viscount—it was entirely unnecessary for him now to do so,—future opportunities would be afforded for the purpose of considering more conveniently, in all its details, the provisions of this measure. He must, however, be allowed to say, in the most distinct terms, that he, for one, would never acquiesce in the passing of this Bill in its present shape. How far it might be rendered more adapted to the purposes intended, more consistent with the safety of Ireland, of the Established Church in that country, the maintenance of Protestant interests there, and the connexions between Ireland and this part of the kingdom, it was not for him to predict. All he meant to say was, that he voted for the second reading, merely for the purpose of further consideration and further inquiry, but nothing would induce him to acquiesce in this measure in its present form.

Viscount *Melbourne* said, the noble Duke had expressed his surprise that a measure which had been rejected by their Lordships, should be again brought under their consideration. Why, he could refer to many measures which had been rejected repeatedly by their Lordships, and were afterwards carried. The noble Duke knew that; he knew, also, that measures which he had introduced, were much more stringent, and went a great deal further, than those he had resisted when he led the Opposition to them in that House; but the opponents of the noble Duke recommended the present Bill, and, therefore, it was improper. The noble Duke knew that there was a Bill, which he had always divided in opposition to, and yet he was the very man to introduce and carry that Bill, which had been over and over again, rejected. He hoped, therefore, that he had purged himself of every thing like disrespect, and convinced their Lordships that his conduct in introducing a Bill, which had been once rejected, was as respectful as the conduct of the noble Duke on former occasions. The noble Duke and the noble and learned Baron said, they were ready to agree to the second reading of the Bill, and he was glad of that, though their language did not hold out any large prospects of success. He hoped, however, that the further consideration of the Bill would lead to better results than he had reason to anticipate at the present moment. With regard to the police of towns, adverted to by the noble Duke, he would only say, that by establishing a good system of police in towns, it would have a corresponding effect in the surrounding country; and as to the parties being unjustly taxed, without their consent, he believed that was a subject which interested the rate-payers; and if they had believed there was any such danger of abuse as that alluded to, they would have instructed their representatives in Parliament to oppose the clause.

Lord *Brougham* said, it appeared undoubted that they were to go into Committee on this Bill. He must say, that he was rather sorry for it; because he was led to believe, from the tone of the noble Duke and of his noble and learned Friend opposite, that they would only throw away some five or six weeks of their time in unprofitable discussions on the subject, and in the end find themselves in the same situation in which their Lordships and the other House of Parliament and the country were at the close of the last Session. If he had any reason to believe, that, during the months which had elapsed since that period, anything had occurred to lead the noble Duke and his noble and learned Friend to take a different view of the subject than they entertained last year, he should indeed take their agreeing to the second reading as a most blessed event, both to this and the other country. But until he heard something more from noble Lords opposite of a kind to lead him to this conclusion, he must say, that his expectations were not only sanguine, but that, in fact, they were nothing at all; and that nothing probable or possible was to be gained by going through, what he was going to call, a farce; but he would not use that term, but what he really thought must prove a very bootless proceeding indeed, both as regarded this measure and the country.

Bill read a second time, and ordered to be committed.

HOUSE OF COMMONS,

Tuesday, April 25, 1837.

Custody of Infant Children.] Mr. Sergeant *Talfourd* moved for leave to bring in a Bill to empower the Lord Chancellor and the judges to make orders relating to the custody of infant children of tender age in cases where the parents are living apart, on the application of either of such parents, or on the order of writs of *habeas corpus* issued at the instance of the father. The learned Gentleman said, that by this Bill he sought to empower the judges to do that which he had often heard them deplore their inability to do. If there were no opposition to the present motion, perhaps his better course would be to reserve what observations he had to make on the subject till the second reading.

The *Attorney-General* did not rise to oppose the Bill or to enter into any discussion of it at its present stage, but he begged to remark that the subject was one of such extreme delicacy and difficulty that he was apprehensive the law could not be improved even by the Bill of his hon. and learned Friend. He was glad, however, that the first step was taken, and that attention was called to the matter.

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HOUSE OF LORDS,

Wednesday, April 26, 1837.

Minutes.] Bills. Read a first time:—Consolidated Fund.

HOUSE OF COMMONS,

Wednesday, April 26, 1837.

Minutes.] Bills. Read a first time:—Common Fields Act Amendment; Clandestine Marriages (Scotland); Registration of Birth (Scotland); Trial by Jury (Scotland).

Petitions presented. By the Attorney-General, from Edinburgh, for the Abolition of Church-rates.—By Sir G. Clerk, from Glasgow, against Sheriffs' Courts (Scotland) Bill.—By the Attorney-General, from Aberdeen and Haddington, for, and by Sir R. Fergusson, from several places, against, Municipal Corporations (Scotland) Bill.

Municipal Corporations.—Scotland.] Mr. *Robert Steuart*, in moving the second reading of the Municipal Corporation Bill for Scotland, said, in the few observations I shall have to make in moving the second reading of this Bill, I shall not occupy at any length the attention of the House; but I do hope that the debate upon this question will be conducted without admixture of party feeling, and I do think I have redeemed my pledge by having given ample time between the first and second reading of this Bill for consideration of the subject. It will be in the recollection of the House that when the Municipal Reform Bill, the 3rd., and 4th., of William 4th., c. 86, passed, no provision was made in that Bill for the burghs of Scotland to meet their necessary expenditure; and it must be evident, that the Legislature had then in view some ulterior measure with regard to them. Sir, I will state briefly the objects of this Bill; first, then, it relates to the boundaries of burghs. It is well known that the former Bill altered the boundaries of almost every burgh, but no provision was made for extending the Municipal Corporations of Scotland over these boundaries; nor was any provision made for extending or altering the jurisdiction of the magistrates, the inconvenience of which has, in a great measure, been felt. Sir, the not extending of these boundaries is an evil. It is obvious that the increasing wealth and importance of some, and the diminishing wealth of others, has rendered some alteration necessary. In some of them the population has not increased since the original charter was granted, while in others it has increased in an enormous degree. I shall not deem it necessary to go through all the details of the Bill. I will mention very briefly some of the points. The first point, as I have already stated, is the boundaries; the next point is to increase the number of councillors. I propose, in some of the larger burghs, to increase the number of the members of the town council, and in other smaller burghs to diminish the number; but, perhaps, the most convenient opportunity of discussing that point will be when the Bill goes into Committee. The next object of the Bill is a complete set of police laws, which will save the expense of going to Parliament for a police act. The necessity of such a measure is so manifest, that I should be wasting the time of the House, were I to enlarge upon it. The other alterations are of such minor importance, that I do not think it necessary to refer to them until the Bill comes into Committee. With regard to the liability of parishes to the debts, &c., of burghs to which they may be added, I propose to have a special provision that all territories which are added to any burgh shall not be subject to any imposts to which the suburban districts at present are not liable. I also propose that if a certain proportion of the inhabitants should not consent to certain measures for conducting the affairs, that the magistrates shall be at liberty to interfere. Sir, I also propose that landlords, in case of their tenants absconding, shall only be liable to one-half (being their own half) of the assessment. The qualification clause I also propose to alter to this effect:—That the electors shall consist of such persons only as carry on business within the burgh. I cannot conceive it to be intended that persons not resident in the burgh, and having no interest in it, except a nominal qualification, should have any control in the election of councillors for that burgh. There is another provision that I propose to introduce: it is to this effect, that when any part of a county shall be added to a burgh, if the portion that is so added shall become liable in assessment for the repairs of the streets of that burgh, there shall be no assessment for statute labour on that part of the county. I propose also that the powers to bring in a supply of water shall be limited to those burghs in which there at present are no water companies. I also propose to put in a special provision, excepting any University or place of learning from the municipal assessment. I propose also to make an alteration with regard to the rights of burgesses, as I cannot see any one good to result from the continuance of that body. Now, Sir, with regard to Edinburgh forming part of this Bill, I am the more anxious to say something upon that subject, in consequence of the proceedings that have taken place in Edinburgh, and the statements that have been made in meetings that have been held there, that in contravention of a pledge that my hon. Friend the Lord Advocate and myself gave last year, Edinburgh has been included in this Bill. Now, I beg leave to say, that I have always thought that it would not be expedient to let the present state of things exist with regard to the boundaries of Edinburgh. I did not oppose Edinburgh being kept out of the Bill of last year, because I saw no probability of that Bill passing, but I have included Edinburgh in this Bill, because I do think it is of great importance that there should be a change in the present state of things, and I think it anomalous that a population of 80,000 souls should not be attached to a burgh whose population is only 50,000, and that it should be dependent upon it. I do therefore, hope if Edinburgh is withdrawn from this Bill, that it will be only upon a pledge that a Bill shall be introduced for the purpose of changing the municipal regulations of that city. I am most anxious to take upon myself the responsibility of removing Edinburgh from the operation of this Bill, and I wish to correct some mis-statements that have been made with regard to the provisions of this Bill, as far as they affect the suburban districts. Sir, at some of the meetings called for the purpose of considering this question, it has been stated that if the provisions of this Bill were carried into effect, an assessment of 6¼ per cent., upon the rental of these districts might be imposed by the Corporation. I have had some opportunities of conversing with a gentleman who has taken an active part in the opposition to this Bill. I stated to him, in the strongest and most positive terms, that it never was in the contemplation of the framers of this Bill, nor did it ever come within the principles of the clauses, that the suburban districts should be liable to the previous debts of any previous boundary within the royalty of the city. It has been wilfully misrepresented to the inhabitants of these places, that under this Bill they might become liable to all the debts and all the existing burthens of the royalty, and, moreover, that a tax I have before mentioned, might be imposed upon them, to the extent of 6¼ per cent. upon the rental. Upon the whole, I have a right to complain, that the intentions of the framers of this Bill have been misrepresented in the different statements that have been put forth. Sir, it certainly would appear, that it is not a wholesome state of things, that there should be so large a population, divided by an imaginary line, forming parts of one great city, and not under the same control. I feel this will be to the advantage of all, and I am certain, before long, a very great many of those who are opposed to it will regret the opposition that they have upon the present occasion given. Sir, having said thus much, I move that this Bill be now read a second time; and I cannot, in justice to a gentleman who appears to have performed a duty that lays all Scotland that is connected with municipal affairs under obligation to him,—I cannot conclude without expressing on my own part, thus publicly, the high sense I entertain of the manner in which the secretary to the Commissioners has discharged his duties. I take this opportunity of tendering my admiration of his conduct, and the zeal that he has displayed. Having done so, I now move that this Bill be read a second time.

Major *Cumming Bruce*: Sir, my hon. Friend disclaims all intention of producing by this Bill any political feeling, and I am disposed to give him full credit for that declaration, but I must say, on looking over the clauses of the Bill, I do see in them powers given in some cases very unnecessarily, for the purpose of supporting the interests of particular parties. This, perhaps, is not the time to refer to that part of the Bill, it may be objected to when the Bill comes into Committee. The clauses to which I have particularly alluded, are those that give the power to the Crown of giving additional magistrates to burghs, and of altering or re-constructing burghs already established. My hon. Friend has said, that he has given ample time for the consideration of this subject, and I am not at all going to deny that he has redeemed his pledge; but I cannot help regretting that a much greater time has not been allowed than has been allowed, to pass, in the construction and framing this Bill, in regard to the municipal concerns of Scotland. The extent of legislation regarding our Municipal Corporations is so large, that it would require the study of a long legal life to become acquainted with it. I think it would have been as well, if, instead of introducing this Bill, my hon. Friend had applied his ability and talent to the consolidation of these laws, instead of bringing a multiplicity of Bills that I conceive will materially confuse the understanding of all ordinary men wishing to acquire a knowledge of what the law really is as affecting our municipal institutions; and there is this disadvantage in the multiplicity of these Bills, many of the provisions contradict one another. Many of the provisions are of an extraordinary character. There is in this Bill, under the consideration of the House, a clause which provides, that the country town clerks throughout Scotland, shall henceforth be annually elected by the magistrates. All the officers, therefore, at present holding office for life, will have their interests materially interfered with, and will be entitled to compensation. Sir, while I shall not feel it my duty to oppose the second reading of this Bill, I cannot avoid stating my regret that these Bills have been precipitately introduced into the House, and I think it would be better if they were wholly withdrawn, and a more substantial and efficient measure affecting the Parliamentary and royal burghs, and the burghs of legality, were introduced. With regard to some of the towns, I agree with my hon. Friend opposite, that there is great difficulty in finding respectable persons qualified to vote in sufficient numbers to constitute a fair constituency, and there is a great difficulty also to find persons to hold the offices of baillies and magistrates of those burghs. In one of them that difficulty has already been experienced. I shall vote for the second reading of this Bill.

Sir *George Clerk*: Sir, I shall offer no opposition to the second reading of this

Bill, because I admit there are many matters that do require some alteration, and for which purpose I think a Bill should be introduced. But, at the same time, there are certain provisions in this Bill to which I cannot at present give my consent, and which it will be necessary to discuss at length when it goes into Committee. I rejoice to hear from the hon. Member that it is his intention to omit Edinburgh in this Bill. The Attorney-General has assured his constituents that he will take care Edinburgh is not included in it, and the Lord Advocate has made the same statement; so there can be very little doubt that it will be done. I confess I do not agree with the hon. Member's views in respect of the suburbs of Edinburgh. I think they are not so much in want of a Municipal Corporation, as for the mere advantage of having a share in the election of councillors for the city of Edinburgh, to have themselves burthened by taxation, which would be the necessary consequences of being united. The hon. Member says it appears an anomaly that a large city, which I may call the southern districts, separated by an imaginary line, hardly defined in many instances, should not be under the same magistracy as the ancient city. Now, Sir, I should like to know whether any inconvenience has arisen from Westminster not being placed within the city of London? Do the people of Westminster think they should be under the control of the magistrates of the city of London? I believe they are satisfied with the manner in which they manage their affairs at present, and have no wish to be united with the Municipal Corporation of the city of London. Sir, in the Bill which the hon. Member has brought in there are many very important clauses which go to affect the whole principle of the Bill brought in in 1833; and the most material are those where he proposes to alter the qualification. It is in direct opposition to the Report of the Commissioners made in 1834, and upon which Report this Bill is founded; indeed, we are told, that this Bill is drawn up by the gentleman who acted as secretary to that commission. Now, Sir, without wishing to detract from the services of that gentleman, if they have not been greater to that commission, than the making of this Bill I cannot agree in the compliment which the hon. Member passed upon him. With respect to the *5l.* qualification, the Commissioners say, "We find in smaller burghs the number of persons who live in 10*l.* houses bears pretty nearly the same proportion as in the larger cities, therefore, they see no reason for altering the qualification." But there are places in Scotland where there are not sufficient persons occupying 10*l.* houses to make councillors—and what do the Commissioners recommend?—A reduction of the number of councillors in those burghs. In some seaports and places now fallen into decay, the Commissioners recommend that the Corporation shall be reduced to fifteen, twelve, or even nine councillors, and there is a great class of these burghs where they recommend a reduction to not exceeding six; and there is another class where they shall not exceed three. Sir, I think, the recommendation of those Commissioners is entitled to great weight and respect—that the remedy they proposed of diminishing the number of councillors is the right remedy, and that you ought not to introduce the anomaly of having a different qualification in those burghs on account of their size, because if you do admit that, upon that ground alone it is necessary to alter the qualification of municipal councillors from 10*l.* to *5l.*, I should like to know on what ground you can resist reducing the Parliamentary qualification also in these burghs? On that ground I shall feel it my duty to give my decided opposition to that part of the Bill which proposes to reduce in these burghs the amount of qualification, unless reduction is not confined to the municipal qualification alone, but is extended to the Parliamentary qualification. The Commissioners think that where there are small towns there are strong reasons for removing them from the control of a burgh, and placing them, as in former instances, under the charge of their own magistrates, instead of imposing upon them the expense of keeping up the paraphernalia of the burgh. Sir, they will be glad to be relieved from that burthen and placed under the jurisdiction of sheriffs and magistrates, as was done in many other instances in Scotland. I think it is only necessary to state that, in many cases, you are legislating for villages, where; it is difficult to find three or four houses of the value of *5l.*, to shew that you cannot apply to them a great number of the clauses of this Bill, which may be applicable to a large town of ten or twelve thousand inhabitants, but which are perfectly inapplicable to villages, some of which contain only 400 individuals. My hon. Friend has observed that about nine-tenths of this Bill is nothing more than a repetition of the clauses contained in the general police Act, but we are left in the dark whether the general police Act is to be repealed or not. The hon. Member also stated, that great mis-statements had arisen in respect of towns not now included in the municipal boundaries, becoming liable for the debts of the burghs to which they may be united. I believe that it is not the intention of the framers of this Bill; but still they would be liable on any new assessment, for the sum of 1*s.* or 2*s.* in the pound, as the case may be, upon the property. Now, Sir, there are very many great objections to this Bill, with regard not only to Edinburgh, but to the persons who have property in the immediate vicinity of these burghs. Gentlemen who have country houses of great value have no wish whatever to have this measure carried into effect. They see no advantage that is likely to accrue to their property by being included within the burgh. I think it would be very unjust to the owners of those houses who are satisfied with the present state of things, and who wish their property to be under the jurisdiction of county magistrates, and not under the jurisdiction of the Municipal Corporation. I see, therefore, no reason why the municipal boundaries should be altered, and I think, Sir, instead of making this confusion in the burghs it would be better to keep the ancient recognised municipal boundaries, than to involve the case in very great difficulties, by raising up opposition on the part of all those persons who object to have their property damaged by being included within the burghs. Sir there will be several other points which it will be necessary to discuss when we come to consider this Bill in Committee. I think it may be shortened; I think it is unnecessary to have nine-tenths of this Bill upon police, and another statute at the same time. It is, Sir, a Bill, that, in its provisions is analogous to an Act of Parliament, which we have passed for Ireland namely, the 9th Geo. 4th., which gives to burghs all the necessary powers of Government, for establishing police, for lighting, watching, and cleansing the town, and supplying it with water. Now, Sir, when you are going to levy, in order to keep up the expense of the Corporation you make the inhabitants of these towns liable in a very severe tax, and if those inhabitants consider that this will be an advantage, it is their affair, not mine; but I do hope that both as regards towns of that description, but more particularly as regards ancient burghs, that the municipal boundaries will not be extended for the purposes of bringing in a great number of towns that are not now subject to those heavy municipal liabilities which they will then be subject to. I will not trespass any longer upon the House, except to state that I shall feel it my duty, to suggest several important alterations in the provisions of this Bill.

Mr. *Chalmers.*—In the Bill of last year, provisions were made that parties having an interest in the funds of these Corporations should form themselves into societies, by which those funds be administered. It is of the introduction of these provisions I now complain. I hope the hon. Member will, at least, introduce a clause to prevent the improper or lavish expenditure of these funds.

The *Lord Advocate.*—Sir, with regard to what my hon. Friend says, that there ought to be a clause to prevent the improper distribution of the funds of the Corporation he would imply that a Corporation has a right to distribute its funds. It has no such right — a Corporation must exist according to its grant, and can only be dissolved by the terms of that grant. Having referred to that matter, I must state that I cannot agree with my hon. and gallant Friend the Member for the northern burghs, in what he said with respect to the two acts to which he alluded relative to the town clerks and the sheriffs. Instead of one Bill being contradictory of the other, the one Bill appoints compensation to be given, and lays the foundation for the other Bill. There has been an endeavour in this Bill to take advantage of every thing that is good in that Bill, and to add such provisions as may be desirable. Then, with regard to the police, there have been great representations from the royal burghs that due provisions were necessary with respect to that, and a great number of Bills have been brought up; but if this Bill is successful in its result, it will prevent the introduction of other Bills, which will be in itself a great advantage. Sir, I do not think it necessary to take up more of the time of the House upon the second reading of this Bill, and I will only add to what has been said with reference to the city of Edinburgh, that I think it adviseable there should be a separate Bill for that city. In expressing my opinion last year I gave no pledge nor promise, and I consider myself perfectly free; but I think it will be better to take the city of Edinburgh in a separate Bill, than to include it in this Bill. I apprehend the House will have no hesitation in reading this Bill a second time; and, before it goes into Committee, I shall be happy to receive any suggestions from hon. Members upon the subject. With regard to there having been too much haste used in bringing forward this question, I think, Sir, the great misfortune has been that there has been no legislation for many years. Charities have been allowed to squander their money, and to contract debts, and defeat the objects for which they were instituted; and, if there had been a few hasty Bills brought forward forty or fifty years ago, there would not be the same difficulties that now exist. We might then have framed a code of those various hasty Bills, and still have had those funds to administer, which the munificence of royal sovereigns formerly conferred upon Royal burghs.

Mr. *Forbes:* I cannot allow this opportunity to pass without stating that there are clauses in this Bill which I shall feel it my duty to oppose most decidedly. With regard to tardy legislation, I must say I would rather see slow justice, than injustice done rapidly—and I hope the hon Gentleman will not proceed too hastily in this matter.

The *Attorney-General:* Sir, having presented several petitions—some praying that Edinburgh may be excluded from the provisions of this Bill, and others that it may be included in them—I feel it my duty to express my own sentiments upon the subject. Now, Sir, I differ entirely from the hon. Baronet, the Member for the county of Edinburgh. I think all Scotland ought to be under one uniform municipal system. There is no comparison to be made between Edinburgh and the cities of London and Westminster. The city of Edinburgh forms one community by the sending of Members to Parliament, and ought to form one corporation. I am most anxious to have this Bill to pass during this Session of Parliament, and I think if Edinburgh were allowed to remain within its provisions—that most desirable object would be rendered impossible. But I consent to its exclusion only on the understanding that there shall be a separate Bill introduced, providing for the city of Edinburgh alone, and by that Bill ample justice will be done to all classes of the community. All have equal benefits, and I do hope that the discontent which has prevailed, may be abandoned, and perpetual peace established.

Mr. *Andrew Johnston:* Sir, I hope when this Bill goes into Committee, the objections which the burgh Members can make will be fully considered. It certainly would be desirable that this Bill should include in its provisions the city of Edinburgh (the capital of Scotland); though I agree with the hon. Member, the learned Attorney-General, that it may be expedient for the purpose of carrying the Bill through the House, this Session, that Edinburgh should be excluded. I had entertained a hope that the Bill would be considered a Government measure—that it would not be put off from Wednesday to Wednesday, and regarded as the Bill of an individual, but that it would take its place as a leading measure. If I, Sir, should find any intention of postponing this Bill, I shall, considering the lateness of the season, take an opportunity of proposing that the Bill shall be read this day six months, merely to mark the strong feeling I have upon the subject.

Bill read a second time.

BURGHS OF BARONY (SCOTLAND).] Sir *Andrew L. Hay* moved the second reading of the Burghs of Barony (Scotland) Bill. The object of the Bill was to introduce a more substantial police regulation into these towns, and to enable them to appoint an efficient magistracy, which they were very much in want of at present. The Bill was optional, and the towns could accept or reject it by public meeting to be convened for the purpose.

Sir *George Clerk* objected to the Bill, because it was quite unnecessary, and because it was an overloading of the Statute Book with minute laws. The whole of the legislation which it was intended to accomplish by it could have been included in six lines of the Bill, which had been just read a second time, or the Bill of the Lord Advocate, as effectively as it would be by the sixty pages it comprehended. He was opposed to the principle of the *5l.* qualification, because he saw no reason and could augur no good from its introduction into the measure; and he deprecated confiding, as it purported to do, the magisterial power, to the class of persons on whom it was intended to be conferred. On these grounds, he hoped the hon. and gallant Member would see fit to withdraw the Bill.

Mr. *Cutlar Fergusson* said, the burghs desired the measure for their own peace sake; they were in a most lawless state at present for want of an efficient system of police and a resident magistracy. Nothing could be better calculated to remedy the evils than the measure under consideration, as its great object was, to obviate them not alone in the burghs, but the incorporated towns. There were upwards of 130 petitions from the several burghs in its favour; he hoped, therefore, the House would pass the Bill.

Major *Cumming Bruce* conceived the Bill was altogether unnecessary, as a separate measure, as it could easily be embodied in either of the Bills for the municipal regulation of the Scottish boroughs then before the House. He should oppose the second reading.

Dr. *Bowring* supported the Bill. It was exceedingly popular in Scotland, and besides it was another step to the grand object of his side of the House, the great end of self government.

Mr. *Forbes* denied that the hon. Member, (Dr. Bowring) was entitled to assume to represent the popular interests of the country. On behalf of those popular interests he decidedly objected to this Bill.

Mr. *Dunlop* supported the Bill, which was very popular in the towns in his county. This measure was very much wanted, for many of the towns were actually without local magistrates, so that depredations were openly committed without fear of punishment.

Mr. *Pringle* felt considerable objections to the measure. It introduced changes unjustly affecting the arrangements and property of upwards of 100 burghs in Scotland. He was opposed to the powers given to the Commissioners, enabling them to fix the boundaries of the burghs in the most arbitrary manner.

Mr. *Williams Wynn* concurred in the propriety of the objections taken by the hon. Gentleman near him against the incorporation of these towns by an act of the Legislature. The power of instituting the corporations ought to be left to the Crown.

Lord *John Russell* stated, in reply to a question from the right hon. Gentleman, that on the passing of the English Municipal Bill he had made inquiries as to the expense attending the grant of town charters, and he found that it amounted to *700l.* or *800l.*, the great part of which was occasioned by the fees demanded on the number of names inserted in the charters, these names being the names of the first members of the corporation. By the passing of the English Municipal Act, however, it was not necessary to have that enumeration, and scarcely necessary to introduce any names at all in the charters; consequently there was a considerable diminution of expense on that head, and the Treasury had, upon application, remitted other fees, the payment of which they could excuse consistently with the existing law. Consequently, the amount of the fees to be paid, according to the different circumstances of the boroughs, amounted to between *120l.* and *150l.* which he did not think too large a sum for a wealthy and populous borough in England, requiring a charter to devote to that purpose.

Sir *G. Clerk* said, his object was not so much to oppose the Bill as to effect a consolidation of all the different Bills. He would, therefore, take an opportunity to move an instruction to the Committee for the consolidation of the Bills. He should also endeavour to introduce a clause similar to the one in the English Municipal Bill, empowering the Crown to grant charters upon the application of the boroughs. He also expressed a hope that the fees would be as far as possible remitted, even if the noble Lord should find it necessary to apply for an Act of Parliament for that purpose, and should in consequence withdraw his opposition to the Bill.

Bill read a second time.

CONTROVERTED ELECTIONS BILL.] Mr. C. Buller moved the second reading of this Bill.

The *Solicitor-General* thought it would be advisable in the present thin state of the House not to debate the measure. He therefore proposed that the discussion should be taken on the committal of the Bill.

Mr. *C. Buller* stated, that he had no objection to the proposed arrangement.

Mr. *Wason* had no wish to oppose himself to the sense of the House, but he would move the amendment of which he had given notice—

> "That the principal evil of the present election law arises from its uncertainty, whereby decisions on either side of the most important questions may be given under the sanction of numerous precedents; that the establishment of a new tribunal for the administration of so uncertain a law must inevitably be attended with the following results:—1. The public will be subjected to enormous expense to ascertain, not what is the law, but what such new tribunal may fancy ought to be the law. 2. Any tribunal called upon to administer an uncertain law, must be always suspected of improper motives, and of all judge-made law, that which involves political considerations is the most odious and the most liable to just suspicion. That these considerations render it most inexpedient to appoint a new tribunal for the administration of this uncertain law, unless that law should be rendered certain by the Legislature."

Lord *John Russell* concurred with his hon. and learned Friend in thinking, that it would be more advisable to take the discussion upon the Bill at a future stage. He should then be prepared to state some grave objections to the principle of the proposed measure.

Mr. *H. Grattan* said, that it was impossible that the present law should be allowed to exist. There was at present an Election Committee sitting, and the franchise of many of his tenants, as respectable men as any in that House, depended upon the vote of a single Member of that Committee.

Amendment withdrawn, Bill read a second time.

Admission of Freemen.] Mr. Williams moved that the Freemen's Admission Bill be read a second time.

Mr. *Bennet* was surprised that any Reformer could bring forward such a measure as that, and he was determined to give it every opposition in his power.

Mr. *Jervis* thought, that the sum at present demanded of freemen who sought to secure their rights, amounted to a positive prohibition of them to honest men. He should therefore support the Bill. He was convinced that the friends of reform ought not to seek to limit the franchise, but to extend it.

Mr. *Wason* would support the Bill. He thought that the practice of candidates enabling freemen to take up their freedom was the first step to bribery.

Mr. *Arthur Trevor* should be sorry if the motion of the hon. Member for Coventry were not carried. He could speak in terms of well-merited eulogy of the freemen of the borough which he represented, many of whom gave him their independent support, of which he should always be proud.

Mr. *Thornely* would support the propositions of the hon. Member for Wiltshire. He thought the retention of the freemen a blot on the Reform Bill, and therefore he would vote against reducing the difficulties of admitting them.

Mr. *Charles Buller* was understood to say, that he thought the House would not countenance the present system of admission, as it was one by means of which the admission fees would always be paid by candidates. The House should, therefore, pass the Bill before it.

Lord *John Russell* could not agree with the argument of the hon. Member who had spoken last, because he thought that a clause which required the payment of a certain sum for the purpose of taking out the freedom of a borough, would rather tend to promote bribery and corruption. The Bill before the House was introduced for the purpose of placing freemen in a better condition than they were before the Reform Bill; and though it was true that they were subjected to a tax for the right of voting, still it ought to be recollected that there was another class of voters who suffered infinitely more on that account, he meant those electors who could not vote unless they had paid up all their taxes before the 6th of April. He did not think the payment of taxes on a particular day was a fair imposition, because it was likely to deprive many 10*l.* voters of the franchise, from inability to pay, or accidental circumstances. He therefore thought, if there was to be a relaxation as regarded freemen, a similar relaxation ought to be granted to the 10*l.* householders—perhaps some such relaxation as that proposed by General Evans, that the period of payment should be extended to the 1st of October of the succeeding year. He did not think, therefore, that the one class should be placed on a more favourable footing than the other. It was his intention to vote for the second reading of the Bill, but at the same time he would state, that as there ought to be some relaxation with regard to the payment of taxes by 10*l.* householders, he would, when the Bill went into Committe, endeavour to frame a clause for that purpose.

Mr. *Lowther* could bear testimony to the general integrity of the freemen. They had now lost their right of exclusive dealing, and he did not think it too much to grant this boon to them.

Mr. *Warburton* said, that if the House took off the tax upon the admission of freemen, they should be prepared to give facilities to the payment of rates and taxes by the 10*l.* householders.

Mr. *Mark Philips* observed, that having taken a part in the investigation of the Liverpool case, he felt so much disgust and indignation at the conduct of the freemen, that he was not prepared at first to give them exclusive advantages, while there was no extension of privilege to the constituency created by the Reform Act; but after what had fallen from the noble Lord, the Secretary for the Home Department, pointing out that this Bill might be made the means of opening more widely the 10*l.* franchise, which would only be just and right to those who were called into political existence by the Reform Act, he should not oppose the Bill in its present stage, as the House would have an opportunity of reconsidering the decision respecting the enforcement of the rate-paying clauses, to which, in his opinion, they most unwisely came.

Lord *John Russell* hoped the hon. Member did not misunderstand him. He had not said anything in favour of doing away with the rate-paying clauses, but he had urged the propriety of a relaxation of their provisions.

Sir *Robert Peel* said, that it appeared to him that these two measures stood on distinct grounds. There was no connexion between them. If the hon. Member for Manchester was disgusted with the conduct of the freemen, and thought that by relieving them of this tax, he was giving them an undue advantage, he ought to vote against the Bill. The hon. Member said, that he had viewed the conduct of the freemen with disgust and indignation, but he was willing to grant them this boon if he could obtain any facilities for the 10*l.* householders with respect to the rate-paying clauses. He thought the noble Lord (J. Russell) took a very unjust advantage of this proposition. The noble Lord said to hon. Members on the opposition side of the House, "You are bidding for the favour of the freemen, and I will bid for the goodwill of the 10*l.* householders." There was no connexion between the two questions. If it was right that the 10*l.* householders should be relieved from the payment of rates before acquiring a right to the franchise, let them be relieved on the grounds of policy or justice; but they ought not to consider the freemen and the 10*l.* householders as two adverse and antagonist bodies, and determine, that because one body was exempted from a certain charge, the other had a right to demand a corresponding relief. Let them ask themselves in either case, whether the proposed exemption was just or not, and relieve either the freemen or the 10*l.* householders as they found them entitled, according to the merits of each case. He (Sir R. Peel) should certainly, if there was a necessary connexion between the repeal of the tax on the admission of freemen, and the noble Lord's proposition respecting the rate-paying clauses, reserve to himself the right of questioning at a future stage of the Bill the propriety of relieving the freemen from that charge, at the expense of breaking down the qualification required by the Reform Act. He had always defended the rights of the freemen as they were established under the Reform Bill. He had never contemplated any extension of them, and he did not think that they had any right to call for such an extension. If it were contended that this Bill would diminish corruption, that might be a good and valid reason for relieving the freemen of the charge imposed upon them; but if it were urged that a relaxation of the rate-paying clauses ought to accompany this exemption, that argument would certainly not have the effect of recommending the measure. The sole ground on which this Bill might be supported, was not from any inherent right that the Reform Bill conferred on the freemen, because their franchise existed before the Reform Act passed; but if it would diminish corruption, that might be a very sufficient reason for agreeing to it. He was glad to hear the course which he had himself pursued, when the rights of the freemen were called in question, so amply vindicated by the testimony which hon. Members opposite had borne to the virtuous and hon. conduct of the freemen. He felt assured that private electioneering motives had nothing to do with that testimony. It was given upon a comprehensive philosophical view of the abstract merits of the question. It was a source of the greatest satisfaction to him to find, on the most unimpeachable evidence, that those whose privileges he had always defended, were the purest and the most incorruptible body of men in the country. What an injury then, what injustice, would the House have committed, if the representatives of the people had had their own way. What a great example of purity would they have lost. And yet they were now told that the Reform Bill was actually carried owing to the virtuous exertions of the freemen. The hon. Member for Coventry had told them so in express terms. He did not tell the House, as the hon. Member for Manchester did, that he had viewed the conduct of the freemen with disgust, but he declared that the freemen themselves were so anxious for the extension of the franchise, that with a virtuous disinterestedness "above all Greek, above all Roman fame," they had forced their representatives to vote for the Reform Bill. Why, what ingratitude would it have been if the House had turned round on this virtuous body, and deprived them of any portion of the rights secured to them by the very Bill which they had been so instrumental in carrying. The hon. Member for Ipswich, and the hon. Member for Chester, and the hon. Member for Coventry, ought to congratulate him on his judgment. They really ought to originate a subscription for him for a piece of plate, for having exerted himself to protect the freemen from the consequences of their own virtue, and thus hold him up as a testimony to all future times, that merit would sooner or later have its reward. The hon. Member for Ipswich declared on his honour, that there were 1,500 freemen who voted for him, and that his election only cost him 25*l.* He had defended the right of freemen to vote, on the ground that it was an hereditary franchise, that it was limited in extent, and one which established a connexion between degrees in society which the uniform character of the 10*l.* qualification did not admit of. He was glad to find an admission—he would not say a reluctant admission, as he was quite sure their votes would not be given with a reference to private electioneering interests—on the part of hon. Members opposite of the justice of these views, an admission which entirely reconciled him to the vituperations which he had received from the Attorney-General and several hon. Members on the Ministerial benches, for having defended the rights of this virtuous body, when the House of Commons was prepared to deprive them of those rights. When, however, he was asked to carry those rights further, and to relieve the freemen from a pecuniary charge which lay upon them before the passing of the Reform Bill, he must say, that if one of the necessary consequences of yielding to this request was to be the breaking down of the qualification established under the Reform Act, he should hesitate before he gave his final assent to this measure.

Mr. *Wason* observed, that the remarks of the right hon. Baronet did not apply to him, as he had voted for his motion in 1831.

Mr. *Wakley* said, that the taunts levelled by the right hon. Baronet at hon. Members sitting on his (the Ministerial side of the House) were richly deserved. He recollected when an immense body of Reformers in that House voted for disfranchising the freemen, and he certainly concurred with the right hon. Baronet in the surprise which he had expressed on that occasion. But he (Mr. Wakley) did not deserve those taunts. He had never been a party to any proceeding calculated to deprive freemen of the elective franchise. He had always voted in favour of the freemen, for he thought the poorer classes in England ought to be represented in that House. He would support the Bill, and was glad to find that the noble Lord was disposed, by the introduction of a clause in the Bill, to effect a relaxation of the law which, in its present shape, disfranchised thousands. Why should the freemen be required to buy their franchise by the payment of a pound? It occasioned bribery. The money in many cases came from the rich, who ought to be the parties punished; for the tempter should be punished, not the tempted. He knew many poor persons, however, who would suffer the loss of their bread rather than sacrifice their political independence. And was it the poor alone who were bribed? It had been proved that in Liverpool men worth 10,000*l.* had received bribes of 50*l.* Similar proceedings had taken place at Stafford, though not to so great an extent as in Liverpool. The poor were, therefore, calumniated on the subject. The Bill would get rid of the payment of the one pound by the freemen for their franchise, and that the freeman would no longer be tempted to sell his vote to the highest bidder. He hoped also that the House would go further on the subject of extending the elective franchise than the noble Lord seemed disposed to go. He thought that the Gentlemen who sat on both sides of the House must begin to perceive what the real state of public feeling on the subject was, and that there must be no squeamishness on their part.

Mr. *Brotherton* would vote for the Bill, because it would prevent corruption. He wished that all classes should hav fair play, and the abolition of the rate-paying clauses would have the same effect as the exemption from the payment of the stamp duty on admission to freedom. For his own part, he had found among the poor greater integrity and honesty than among the rich.

Sir *Love Parry* bore testimony to the honesty and integrity of the poorer class of voters, and particularly to the excellent character of the scot and lot voters among his own constituents.

The House divided:—Ayes 75; Noes 21: Majority 54.

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HOUSE OF LORDS,

Friday, April 28, 1837.

Minutes.] Bills. Read a second time:—Consolidated Fund.

The New Poor-law.] Earl *Fitzwilliam* said, he had to present a Petition on the subject of the Poor-law Amendment Bill, and he felt bound in duty to those who had intrusted him with it to read it at length to their Lordships. He would not convey the sentiments of the petitioners to their Lordships in his own words, because, as he differed in opinion from them, they might suppose that he would not state their sentiments so fully or so strongly as they ought to be stated. The noble Earl then proceeded to read the petition, which came from Halifax, in the county of York. The petitioners stated, that they had heard with consternation and dismay, that the Poor-Law Commissioners intended to introduce the New Poor-law system into that part of the country. They had been informed, that in the places where this law had been introduced, men had been forcibly and illegally separated from their wives and children, and shut up in large prisons, called workhouses. As Englishmen, they asserted their right to protest against this law, which they conceived to be illegal, and they now called upon their Lordships for its repeal. They felt that the measure was opposed to the principles of humanity, as well as to the doctrines of Christianity. They considered that the powers of the Commissioners were entirely too extensive. They were convinced that the guardians, as they were called, had not the power to protect the interests of the poor; indeed, they looked upon the name, as well as the office to be a mere delusion. They looked upon the bastardy clause as productive of infanticide and female suicide, and the whole measure as utterly unfit for this country. It appeared to them to be a great national grievance, and one that was not to be endured. They, therefore implored their Lordships, by all that was sacred in religion, by all that was dear to manhood, by the blood which their forefathers had shed in defence of those liberties which this measure invaded, immediately to repeal the Poor-law Amendment Act, and to restore to the rate-payers of England, and to the poor, those rights which had been destroyed by this measure. The noble Earl then proceeded to say, that, in presenting this petition, he admired the straightforward magnanimity of those individuals who thus addressed their Lordships' House for the removal of that which they deemed to be a grievance. He was, however, of opinion, that their complaints were founded on a pure illusion on their parts. He did not believe that the law inflicted any such grievance as the petitioners described, or that it took away any of those constitutional rights, as the petitioners denominated them, which belonged to the rate-payers and the poor. He believed that it was because the measure was not properly understood, that these complaints were made against it. He now laid the petition on their Lordships' table, observing that it was for the satisfaction of the petitioners, and not for his own, that he felt himself under the necessity of reading it at length.

Several noble Lords intimated that the petition was informal.

Earl *Fitzwilliam*: I ask, what communication am I to make to these petitioners? If the petition be rejected as informal, the informality ought to be stated. I shall, therefore, move "that this petition be received." If any noble Peer thinks, on the contrary, that it ought not to be received, he can state his reasons for coming to that conclusion.

Lord *Abinger* observed, that there was no signature to the sheet on which the petition was written, and therefore it could not be received.

The Earl of *Malmesbury*: Let the point of informality be fully understood. Let it be known, that the petition cannot be received, not on account of its matter, but because there is no signature to the first sheet.

Earl *Fitzwilliam*: The reason why I moved that the petition be received was, that the point on which it was rejected should be understood, lest it might be supposed that it was withdrawn in an under-hand manner by myself. It will now be seen, that it was withdrawn by your Lordships' own act, and in pursuance of the rules and regulations of your Lordships' House.

Petition withdrawn.

PROTESTANT PETITION.] The Marquess of *Downshire*, in presenting a Petition adopted by the Protestants of Ireland, said, he appeared before their Lordships to present a petition which was of the utmost importance to them. The petitioners felt that they were but exercising a constitutional right in expressing to their Lordships the apprehensions under which they laboured, and in coming before their Lordships' House to state their grievances. The petition which he was charged to present to the House was agreed to at a meeting held in Dublin, on the 24th of last January, and convened by public notice. The meeting was attended by men of rank and property in Ireland, as well as by all portions of the Protestant community. He had the honour to preside over that meeting, and he was happy to have the opportunity of bearing his testimony to its respectability, and he would declare, that he never beheld so large a meeting conducted in so regular a manner—in a manner so honourable to all concerned, and so illustrative, as far as his (the Earl of Downshire's) experience had gone of the Protestant community—of their general desire always to preserve the good order of society and support in their different stations the laws of the realm. It perhaps would be necessary for him to state some grounds for the holding of that meeting. The paramount point was this, that the affairs of Ireland had assumed an aspect which gave very serious cause of apprehension to the Protestants of that country, and he would only instance the proceedings of a society held in Dublin for a considerable period before the meeting in question, termed the Roman Catholic Association. [Viscount *Melbourne:* No, the General Association.] Well, he was ready to take the correction of the noble Viscount, and call it the General Association. That association, however, had condemned the Protestant body generally, and charged it collectively with motives which they (the Protestants) considered to be unjust. They felt, that if they had permitted themselves to remain long under the imputations cast upon them they would be undeserving of the rank which they held in society, and the property which they possessed in the country. For that reason it was thought, that the most fitting, becoming, and constitutional mode of proceeding would be to meet together in the capital of Ireland, and there to come to such resolutions as they might think proper, and concur in petitions to the Throne and the two Houses of Parliament. He had already stated to the House how the meeting had been conducted. He was happy to be in the situation to do so, and he would not detain the House by a long speech upon the present occasion, knowing his own inability; but perhaps their Lordships would not think it improper in him to remind the House of the votes which he had given. He had supported the Bill brought in by the noble Duke in the hope that it would be of essential, vital, and permanent advantage to Ireland; but, on the contrary, from what he had seen subsequent to the passing of that Act, he would readily own that he had been disappointed. He had experienced a great disappointment. He entertained the most sincere desire to see that country flourish, but satisfied he was, that it never would flourish without the establishment of peace and tranquillity. As far as was within the power of an individual, he would conscientiously say he had endeavoured to promote that object; but one of the arguments in favour of the Roman Catholic claims was, that under the old system, too much ascendancy was given to one party, and that thereby the other party suffered a hardship. He had voted for the Roman Catholic Relief Bill, in the hope that that objection would be done away with, but when he saw the proceedings of the General Association in Dublin, he saw plainly, that the object of that association was to place themselves and the body of Roman Catholics in the same situation which they considered the Protestants to have filled previous to the Relief Bill. This had been the result of the vote he had given, but he was not disposed to indulge in regrets upon that head. He would rather indulge in hope, and he would throw what weight and influence he possessed into the cause of the Protestant religion and Church, in order to keep up that balance between the parties which alone would give peace and tranquillity to the country, and without which it could not, with all its advantages from nature, receive improvement. Under these circumstances, he most heartily joined with the Protestants of Ireland in support of the Established Church, but not with the view of displacing the Roman Catholics—on the contrary, in the hope that they would see, by joining in supporting the laws and British connexion, and the improvement of Ireland, that country might be made to present a very different feature to that which it did at present. In presenting this petition he would not enter more fully into the subject. He would leave its advocacy to other noble Lords; but this he would say, that he most cordially agreed in the objects and proceedings of the meeting held in Dublin, and that he presented this petition to the House earnestly praying their Lordships to give it a fair and impartial consideration. He would only add, that the petition was most numerously and respectably signed. It was signed by nearly, if not fully, 200,000 signatures—the signatures of all persons, of all ranks and classes in Ireland. These signatures had been affixed to the petition in the most open manner, and it was only from the press of time, and from an anxiety to have it presented on as early a day as possible, that the number of signatures had not been much more numerous. He should, therefore, thinking it more respectful, both to their Lordships and to the petitioners, read the petition at length.

The noble Marquess read the petition at length.

Viscount *Melbourne:* On looking at this subject, which has created such a stir, and which involves so many matters concerning the interest of the country, I should have expected that some other mode than petitioning would have been adopted for expressing the opinions, the feelings, the apprehensions, the fears, and terrors of those whose names were attached to the petition. Before calling the attention of your Lordships to the topics contained in the petition, I wish to express my opinion of the manner in which the noble Marquess has presented the petition, and I must say, that the language which he has used was exceedingly temperate, and that, on stating his reasons for concurring in it, the noble Marquess has observed that propriety which ought to be observed on such occasions. I cannot, however, say so much for the language of the petition, nor fail to observe the very different style and manner of those who spoke on the question on the other side of the water. But, considering the importance attached to the petition, and the great pomp with which it has been got up and brought forward, I consider it my duty to make a few observations on it; and, first of all, I will call your Lordships' attention to the time of the meeting, and the manner in which it was got up. The meeting was called by requisition, and to that requisition I see the signatures of many noble Lords opposite. [The noble Viscount read the requisition, calling on the Protestant noblemen, gentlemen, and citizens of Ireland to assemble at the Mansion-house, in Dublin, on the 24th of January, in order to prepare a loyal address to his Majesty, and draw up petitions to both Houses of Parliament against the attempts made to undermine and destroy the Protestant religion.] Now, it was said to be a great Protestant meeting, and the requisition was signed by a great number of Protestants; but it ought to be remembered that there was a counterpart to this requisition, and that a protest was agreed to against holding the meeting. The protest I will read to your Lordships. It is as follows:

"We, the undersigned, feel ourselves called upon to express our deep regret that a notice should have been issued, calling for an exclusive meeting of the Protestants of Ireland in Dublin, on the 24th of January, and suggesting dangers which we do not believe there is any reason whatever to apprehend, and which we feel assured not one single fact can be adduced to prove.—We lament that a duty has been thus imposed on us of protesting against a requisition which eight Members of the House of Lords have deemed it expedient to publish on the very eve of the meeting of Parliament.—We consider a meeting of such a character calculated to interrupt the tranquillity which at present happily prevails in Ireland, and intended only to bias the discussion of measures which we believe to be necessary for the promotion of the national interests, and which we hope will occupy the earliest and most dispassionate attention of the Legislature."

This protest is signed by eight Members of this House, by forty-four Peers, and by sixteen Peers now generally resident in Ireland. I am not going to make any invidious comparison, but I may be permitted to say, that those who signed the requisition did not possess all the property and wealth of the country, and that those who protested against the meeting are possessed of at least equal wealth and property. The protest was signed also by fifty-seven Members of Parliament, the majority of whom are necessarily Protestants, and the great majority of the representatives of Ireland; and, without meaning anything like disrespect, I may say, that the meeting formed only a portion of the Protestants of Ireland. A great body of Protestants entirely differed and dissented from the objects of the meeting, and the language held at it. That meeting was evidently held for a particular purpose, and not for the discussion or consideration of any subject, or expressing a deliberate and unbiassed opinion. The terms of admission to the meeting show the nature of its object. The conditions are thus described on the tickets:—"That the bearer approved of the object, and agreed to the necessity of the meeting, and was prepared to be amenable to the authority of the chairman." Now, I do not say, that the requisitionists had not a right to call a meeting in that way if they thought proper; but I say, that was a meeting not for the purpose of discussing or considering a particular subject, but for assenting to resolutions on which those who attended had made up their minds. Resolutions were drawn up and agreed to, and directed to be presented to both Houses of Parliament. I cannot help expressing my great concern that these resolutions should have been adopted. There is great injustice and impropriety in more than one of them; but I am prepared to make every allowance for the feelings by which the Protestants of Ireland are actuated at the present time. I always very well knew that it would be impossible to carry the Roman Catholic Relief Act into full operation, and to bring about the natural consequences of it, without causing strong feelings; and necessary those consequences must have been, for it could not be supposed that that Act was to remain a dead letter—it could not be supposed that Roman Catholics were only to be pronounced eligible to public offices, and that they should never be chosen to them. Seeing that this Act and its necessary consequences must tend to break in upon the monopoly and power which the Protestants of Ireland have hitherto enjoyed, I always knew and felt that it could not be carried into full operation, without causing for a time considerable mortification and discontent on the one hand, and a certain degree of, perhaps, undue triumph and exultation on the other. I am ready, therefore, to make every allowance for the feelings under which the Protestants of Ireland are likely to be labouring at the present moment. I do not think that those feelings of opposition originated altogether in interested motives, or from considerations of the immediate pecuniary loss to members of their own party in such offices and appointments. I believe what they most suffer is from the wounded feelings at the loss of superiority and influence which they formerly possessed; and therefore it is that I say again, I am ready to make just allowance for any expressions of exasperation and bitterness which are natural to human feelings, and which we have a right to expect on such occasions. With all this disposition to make all fair allowances, however, I must say, that I consider the manner in which these resolutions have been brought forward at the meeting in question has been such as to far exceed all the latitude, all the freedom of observation, which the circumstances entitled the framers of them to claim. The parties who have subscribed to these resolutions have touched upon matters of the highest importance to the State and to the country with a roughness of handling, a violence of manner, and a latitude of expression, which I consider quite unwarrantable. These resolutions, my Lords, draw a picture from which it would appear that the country was in a state almost bordering on anarchy—that there was no security in it for life or property; that the Protestants were in a worse condition than ever the Catholics were in the worst days of the penal code; that in fact, there was no parallel to be found for the present state of things in the days of Charles 1st and the Irish Massacre, or of the Revolution, when James 2nd was master of Ireland. With respect to any fancied analogies of this kind it will be impossible for me to enter upon any such discussion, but if I were inclined to draw a picture of the state of Ireland, I think I might draw a very different one from that comprised in these resolutions, and perhaps one quite as near the truth. All I can at present pretend to do is to go into those points in these resolutions which really state anything like a charge against the general government of the empire, or of particular matters in its administration. The first point of this character is that condemning the existence in Dublin of a body called the General Association. With respect to that Association and the prudence of establishing it, I have already on a former occasion expressed my opinion, and from that opinion I now see no reason to depart. I beg leave to say, however, that, under existing circumstances, I do not think it would be altogether prudent, admitting the inexpediency of that Association, to exert any active means for its suppression; and the noble Duke opposite has himself if I recollect rightly, expressed himself to the same effect. However this may be, I know very well that the Association is not in itself illegal, although there are some persons in the country who have declared it was so. I must say I have heard with surprise that a very distinguished member of the Irish bar has stated as his opinion that this Association is contrary to the common law of the land. If that be indeed the case, it appears to me that the Legislature has been doing what was very unnecessary in passing acts, which it did on former occasions, against the Catholic Association. It was very unnecessary, in my opinion, to pass laws for the abolition of the Catholic Association, if this Association is contrary to the law of the land. So far from this, however, I have always understood it to be the general notion that neither the Catholic Association nor any Association of this kind, could be met by the common law of this empire. There have been various measures passed from time to time for the repression of seditious meetings. I have never hesitated to vote for such measures when I thought them necessary. Whether it is expedient or not in general to resort to such measures I will not pretend to argue; but I do not believe that any Minister would ever lend himself to break in upon the natural liberties of the constitution with ambitious or designing views. It certainly has always been a matter of doubt with me whether such measures ever add power to a Government for the maintenance of the law; whether, on the other hand, the clamour and discontents which they give rise to, do not rather tend to weaken than to strengthen the administration of the Government. With respect to the course pursued towards the Association now in question, I agree and concur in it, and I think that the meeting at which these resolutions were adopted had no reason to complain of the government of Ireland on that account. There are one or two of the resolutions which so nearly concern the administration of justice in that country, the well-being of society, and the credit of the Government, that I cannot refrain from making a few observations upon them. One of these resolutions states, "That in the administration of justice the bias of an unfriendly Government is evident, by the setting aside of the fit and competent Gentlemen nominated for the office of High Sheriffs in the constitutional and legal mode by the Lord Chancellor and Judges of the land, and the arbitrary substitution of others in their stead, supposed to be more favourable to the objects of the democratic party, and more pliant to the will of the Irish executive." I beg to say, that as to the imputation contained in the latter part of this resolution, I utterly and entirely deny it. I deny that the sheriffs have been enlisted on account of their supposed democratic predispositions, or because they were supposed to be pliantly inclined towards the views of Government. With respect to passing over names in the lists presented by the Judges, I believe it is no unusual thing to pass over a whole list in Ireland, where much more latitude of discretion is required in this matter than in England. I will not go through all the cases which have been referred to, but will merely state, that I have received information upon the subject of them which has been perfectly satisfactory to me, and which I believe would prove equally satisfactory to your Lordships if you were to go through them. The three persons who have been particularly referred to, it became necessary to pass over, on account of the death of Baron Smith, who had presented them, and the impossibility of obtaining any traces as to the inquiries upon which he had founded his recommendation. In Louth, the Chief Baron departed from the course which judges always pursue on these occasions, and did not ask the sheriff anything on the subject, but made out a list of his own, which list, on account of its not being founded upon local information, was very defective, and it accordingly became imperative upon the Government to supply its defects. I again deny that sheriffs have in any case been selected upon political grounds, or in a manner not susceptible of the most complete and satisfactory defence. And now, my Lords, I cannot help thinking that this resolution, throwing discredit as it does upon the very fount of justice, has been very hastily adopted, and that some better information should have deen obtained on the subject before it was framed. But the next resolution goes beyond everything in violent, rash, intemperate, hazardous, and dangerous expressions:—"That the patronage of the Irish Government, and its prerogative of mercy, have been abused to the furtherance of purposes injurious to the peace of the country, the administration of its laws, and the stability of British connexion; that partisans have been placed in office as assistant barristers, as magistrates, as officers in the constabulary and police, whose recommendation in some instances has been their unscrupulous attachment to a faction; and that appointments made in this spirit have been subsidiary to the creation of fictitious votes, and have greatly prejudiced in public opinion the administration of justice." Now, in the first place, as to the allegation that the Government of Ireland places partisans in office, I put that altogether out of consideration. That is an accusation to which every Government has been equally open, and it has and must ever be the practice that Government should not put men in high offices of State whom they suppose to hold political opinions not in unison with their own. But when this resolution comes to cast a slur on a gentleman in the execution of his public duties, accuses him of placing fictitious votes upon the register, I do say that the framers of this resolution ought to have some real foundations upon which to rest such a charge before they venture to bring it forward. With respect to the prerogative of mercy, any allegations against the fairness of its administration cannot but excite the strongest feelings of alarm and terror in all who hear it. Under this feeling Parliament has always been extremely tender in touching upon this matter, and I must say that I cannot conceive anything more dangerous to the public peace and safety than bringing the exercise of the royal prerogative of mercy under constant discussion, either in this or the other House of Parliament. If it is really supposed by any persons that Government has lent itself to administer this prerogative for the advancement of its own interested views, then I say it is the duty of those who hold such an opinion to do their utmost to remove that Government from power. There is no other remedy; and without this I think I am entitled to style this a most unjustifiable, rash, and imprudent resolution. I know that many objections have been raised against the manner in which my noble Friend the Lord-lieutenant has pardoned certain individuals in the course of certain journeys through the country. I am sure that my noble Friend is himself persuaded that such is not the course which should be generally pursued in such matters; but at the same time I consider that in the peculiar state of the country at the time a beneficial effect might be produced at the moment by such a proceeding; and I can assure your Lordships that on none of these occasions has mercy been extended without the fullest consideration of the cases of the prisoners. With respect to the general state of the country, we are led to believe from these resolutions that it is in a most dreadful state of anarchy, that life and property are alike unsafe, and that such a state of things prevails as to call loudly upon your Lordships and the Government for the interposition of their authority. Upon this subject I beg your Lordships' attention to the contents of a letter from a gentleman for whom I entertain considerable respect, and who I believe is held in much regard and esteem by some of your Lordships who belong to the county in which he is assistant barrister—I mean the county of Tipperary. Everybody knows that this is a county in which, if anywhere, breaches of the law are very apt to prevail, and therefore we may not unreasonably infer that when things are going on well here that an average degree of peace and good order prevails throughout the country. [The noble Viscount here read a letter from Mr. Howley, stating that there had of late been few offences in Tipperary, that writs of rebellion had decreased, and that the people were less addicted to riots and feuds than they had been.] Now, my Lords, continued the noble Viscount, this gentleman also sends a letter from the under-sheriff, giving some gratifying information respecting the execution of writs in that county, but more particularly those in that most critical matter, tithes. [The noble Viscount read the communication to the effect stated.] Now, my Lords, he continued, I think it will be admitted that these are gentlemen who must know something of the real state of the country in their particular districts, and unless we are to suppose that they wilfully sat down to write merely what would be agreeable to the Government, I am at a loss to conceive how we can discredit their statements, that the condition of the country in the place they write is at present, comparatively speaking, very satisfactory. I do not wish to hold out too sanguine an expectation on this subject, however, because I know that periods of the greatest tranquillity are sometimes immediately succeeded by outbreakings of discontent and misrule. I take these statements merely for as far as they go, and I say that they are a complete answer to this petition and the resolutions now under your Lordships' notice. Amidst one or two general topics, which I sincerely wish had not been introduced, there is an observation upon a point which has sometimes been referred to in this House, namely, the perjury which the Roman Catholic Members were supposed to have committed in voting for the Bills which have been introduced on the subject of the Church of Ireland. Now, I cannot allow that to be a just charge of accusation against these Members, because I cannot condemn any of the hon. Gentlemen who voted for that measure without at the same time condemning myself. I, my Lords, have not taken that oath, but I am bound to its intention the same as if I had. My desire is for the maintenance of the Church, and if I believed that that measure tended to weaken or endanger that Church, I should be guilty, not of the crime of perjury, but of a still greater crime, that of acting against my own principles and feelings. Saying this, I cannot by any possibility condemn these Gentlemen, because, if I did, I should be condemning myself also. I do not approve of that oath. I wish it had never been introduced into the act. We all know how it got in; it was because we could not get the Bill without it. The opponents of the measure called for securities before they could be brought to accede to it; but, on considering the matter, they found that there were no securities which could be given them; so they took this oath, which they considered as something in the nature of a security. I must repeat, however, that I consider that oath to be in itself highly objectionable. In my opinion Members of Parliament ought to come to their duties unshackled and unprejudiced upon any subject whatever; they should come entirely free to act according to their judgment; and any such an oath as this is very much in the nature of that which I object to very much upon the hustings, namely, pledges, which are equally contrary to the spirit and wording of the writ, which directs that persons shall be sent to Parliament with sufficient power to consent to such measures as may be introduced before Parliament. Now, I will suppose that such an oath had been administered to Parliament before the period of the Reformation—it would have been argued, doubtless, by the Roman Catholics of that time, that this oath prevented Members voting for the Reformation. But I do not think so. And if I had lived in those days, and had to take such an oath, I would still have voted for the Reformation. Not to enter into more detail, I must say, that there are many more of these resolutions the tone of which I cannot approve of, and that I am extremely sorry to see them signed by persons of any weight and character in the country. Is it possible, my Lords, that you can ever expect peace or tranquillity in Ireland whilst you continue to attack the religion of so large a majority of its population? It would be no light matter to declare war against even a small religious sect; how much more serious the undertaking to make war against the religion of a whole population. If gentlemen should take it into their heads to persuade persons to give up the supposed errors of their creed, that is a proceeding which I could not pretend to prevent; but, at the same time, those intrusted with the safety and councils of the nation, should think a little before they assault with invective the religion of so large a portion of the population. I have trespassed upon your Lordships' attention with these observations upon some of these resolutions because, from the manner in which they have been brought forward, and the names which are subscribed to them, I considered that they called for particular observation.

The Earl of *Roden* said, that he should feel that he was guilty of a dereliction of duty towards the individuals who signed the petition that had been presented if he did not take that opportunity of trespassing upon their Lordships for the shortest possible time. He had heard, as he had always heard, with great attention and respect the speech addressed to their Lordships by the noble Viscount, but he trusted to be able to show before he sat down, from documents which he would read, that the noble Viscount's declaration respecting the Protestant meeting and its objects was not warranted, and that the Protestants of Ireland had merely come forward to support their principles, which had been cruelly assailed. The noble Viscount had read the requisition which was signed by the peers who called the meeting. He would show to their Lordships that the words contained in that requisition were most constitutional in their nature, and most defined in their character; that the single purpose of calling that meeting was, that they might approach that and the other House of Parliament, and bring before them those grievances under which they had suffered. The protest which had been referred to by the noble Viscount, appeared in Dublin for the first time on the morning of the meeting, and was signed, certainly, by some most respectable peers, and by other individuals of the highest respectability. For some of those peers he entertained the greatest respect, for many of them the greatest regard, but he must beg leave to say they took a little too much upon themselves when they put their names to that document. He thought at all events, that they ought to have considered it more maturely. When their Lordships should read that document he thought they would agree with him in this opinion. What was the language of this protest? The protest objected to the meeting calling itself exclusively a meeting of the Protestants of Ireland. So far it might be correct. It stated, that they conceived that a meeting bearing such a character was calculated to interrupt the tranquillity of the country. This was a matter for argument, and they must first show, that such tranquillity did really exist. But when they stated that the object and intention of those eight peers who signed the requisition was for a particular purpose, he begged leave to say, that they had no right whatever to state what the intentions of other individuals were, unless they had grounds of knowing what those intentions were. When he saw the names of the Duke of Devonshire, the Duke of Leinster and of many other noblemen, who signed that protest, he was satisfied that many of them were acquainted with the circumstances of the country, but many of them put their names to the document as members of a party. It was totally impossible for them from their absence from the country, to be acquainted with its real state, and whether there was tranquillity or not. It was rather too much for such individuals to state what his (the Earl of Roden's) intentions were, or what were the intentions of the noble Marquess who had presented this petition, in the line which they had adopted, and which, he would venture to say, they honestly took for what they conceived to be the benefit of the country. The noble individuals who signed the protest, stated, that they believed that the measures which it was the object of the meeting to frustrate were necessary for the promotion of the national interests. That might be so or not. It was matter of argument, and when these measures came under their Lordships' consideration he should be prepared to discuss them. But those noble Lords stated, that they believed that the meeting was calculated to interrupt the tranquillity of Ireland, and this tranquillity the noble Viscount referred to. It was with astonishment that he heard a Minister of the Crown who ought to be acquainted with the real situation of his Majesty's subjects in Ireland — it was with astonishment that he heard the noble Viscount re-echo this language about the state of tranquillity of Ireland, when he should be able, he believed, to show to their Lordships what that tranquillity really was, and what course had been pursued by his Majesty's Government, He thought that some of the noble Lords who had signed the protest must have been dreaming of the tranquillity of Devonshire House, or of their comfortable residences in Yorkshire. They could never have known the situation in which the Protestant clergymen of Ireland were placed at this moment. The tranquillity of death reigned in Ireland. It was this tranquillity; and he would prove it by a reference to the documents presented by the Government itself, and by the proclamations of the Lord-lieutenant for the last twelve months; and then he would ask, whether it was a token of tranquillity when he informed their Lordships, that for the last twelve months there had been 290 proclamations in the Government *Gazette*; and of these, seventy-one were for actual murder? But let their Lordships remark how this tranquillity had increased. From the 7th of February to the 23rd — being only sixteen days — the proclamations for actual murder had been eleven. Where, then, was the tranquillity referred to by the noble Viscount? He could refer to other instances to show what grounds there were for speaking of this tranquillity. He found that to applications from the Protestant clergy in order to insure their lives, the answers invariably received were, that such was the state of Ireland, so tranquil was it according to the declaration of the noble Viscount, that they dared not insure the life of any Protestant clergyman. He would first trouble their Lordships with an application from the rev. Francis Killaire, of Waterford, to the Asylum Fire and Life Insurance Office in Dublin, which in answer to the application said that the office was willing to effect an insurance on his life, but they must except in the policy cases of death from popular violence or assassination — exceptions which were now always introduced into policies upon the lives of Protestant clergymen in Ireland. The next case to which he would refer, was that of a rev. Friend of his, a very eminent clergyman, who, having laboured zealously for a long period in his own country, had lately been usefully engaged in a very important mission here, and had been opening the minds of the people of England—he meant the rev. Mortimer O'Sullivan; and notwithstanding the aspersions that had been cast upon him, he (Lord Roden,) entertained for his conduct and principles the greatest respect and admiration. That bright and eminent man, upon applying for a renewal of his policy to the Alliance Insurance Office, in London, received information that it was impossible, under existing circumstances, that they could assent to that application. Another instance of the same nature, was afforded in the case of the rev. Mr. Eyre of Galway, who, wishing to insure some property in the Alliance Insurance Office, made an application to that effect, but on the 28th of January, was informed in reply, that the Company were unwilling to insure any property belonging to the clergy of Ireland. The last case was that of another clergyman in the same situation, the rev. William Homan, who had received the following letter:—

"Albion Life Insurance Office,
Dublin, 3rd March, 1837.

"Dear Sir—In reference to the insurance proposed by you to the Albion Company, on your own life, and submitted to the Directors in London, the 28th ult., I regret to acquaint you that, under the present aspect and state of some parts of Ireland, the Directors very reluctantly decline your proposition.

"Inclosed, therefore, I beg to hand you a Bank of Ireland post bill for 28*l.* 17*s.* 6*d.* being the amount left with me in the event of the Directors accepting the insurance on your life, the receipt of which please acknowledge. —I am, dear Sir, your obedient Servant,

"John K. James."

"Rev. Wm. T. Homan."

Such were the grounds for the declaration of the noble Viscount, and it only surprised him (Lord Roden) to think how he could be so deceived, and what could have led the Government to consider it possible that Ireland was in a tranquil and peaceable state. He would also refer to another circumstance, which, he believed, would be sufficient to prevent any man in his senses, hearing the words to which he should call their attention, from saying that Ireland was in a peaceable state. Those who were in the habit of hearing anything about the proceedings of the National Association in Dublin, would be aware, that on the first announcement of that loyal assembly, from which this petition had emanated, that Association met and entered into resolutions, expressive of their indignation that the Protestants should presume to meet for the purpose of setting forth the grievances under which they laboured. In that, or the following day's debate one of the Members had moved that a Committee should be appointed for the purpose of taking measures to prevent the Protestant meeting from taking place; and the mode which it was proposed to adopt was this—would the House believe it? — that 100,000 men should be marched into Dublin on the very day, in order to overawe the proceedings of the Protestants. There was always much boasting and talking at that Association, and certainly those men of buckram never appeared. A meeting had been held, and a dinner given, at Carlow; and it had been stated by a most respectable gentleman, at the meeting in Dublin, that certain words had been used at that dinner, which were, however, denied by the person who was said to have used them: but he, as one of the persons who had called that meeting, had felt it his duty to take every opportunity of acquainting himself with the truth of the matter; and he would now first read to their Lordships the words themselves, and afterwards explain the course which he had himself pursued. The words were these:—

> "Men of Carlow, are you ready? [Ay, ay]. I am the last man to recommend the shedding of one drop of blood; but we have tried every means of attaining our just rights, and they have failed. We have no course left us now, but that which I have always hitherto deprecated—the shedding of blood. Blood must be shed. [Uproar and "Hurrah!"] My reason for now saying that blood must be shed is to prevent the shedding of blood, for if your enemies again get into power they will shed your blood."

But it was also stated by a learned Gentleman, a member of the Association, and one whom the Association acknowledged to be their owner — for he remembered that when an individual resisted an attempt on the part of that learned Gentleman to put him down, some person in the meeting called out, "Is it not your own Association, Mr. O'Connell?"—that learned Gentleman, referring to another Protestant meeting that had been held in the county of Down, stated, that if that (the late meeting) should have the effect which the Protestant meeting at Down had had—namely, the effect of producing a change in the administration of the country—the consequence must and should be, a bloody and brutal rebellion in Ireland. Such was the language used. It was like telling a crowd not by any means to nail the unfortunate victims ears to the pump. The people were warned, indeed, not to raise a rebellion, but they were told to be ready in case of such a circumstance, by the great mover and director of his Majesty's administration. This individual did not, however, succeed in putting a stop to the meeting. There were other proofs of the tranquil state of Ireland. When their Lordships found such expressions as he should read made use of openly and avowed in a meeting in Dublin—and here he begged to say that he would read them particularly in order that his Majesty's Government might inquire into the truth of them and if they found them to be true, it was their duty to prosecute the individual who could make use of them. It was a proof, indeed, of the tranquillity of the country when permission was given to use such language. The object of this language was to overawe the Crown in the just exercise of the royal prerogative; namely, the changing of Ministers when his Majesty should think proper, and when the country desired it. He was anxious to ascertain, when he found this language denied, who were the persons that attended the dinner. He found that the following persons were present: the stipendiary magistrate, Captain Vignolles, Lieutenant Torrens, of the Fusiliers, and the chief Commissioner of Police. He begged to ask if Captain Vignolles had made any statement to his Majesty's Government with respect to the words used at the dinner. If Captain Vignolles were present, and heard these seditious words, which were calculated to raise his Majesty's subjects into rebellion, and did not make any mention of them, or report them to the Government, he was totally unfit for the responsible station he filled, and ought at once to be dismissed. It was the duty of the Government to ascertain whether these words had been used. If the words had been uttered, the course that ought to be taken by the Government was plain, and they ought to adopt the course to the individual who had uttered them which they would follow towards any other person that was guilty of sedition. He thought that, under these circumstances, it was vain to tell them that Ireland was in a state of tranquillity which even a meeting of Protestants could disturb. He would call their Lordships' attention to another paragraph, which appeared the other day in a paper which was well known to belong to the party of which the noble Viscount was the head, and he would only ask the noble Viscount, had the Attorney-General for Ireland been directed to prosecute the individual who had been guilty of putting such words upon record? The words were these:—"The day that would give a Tory Ministry to the empire would summon a million of Irishmen to arms. There would be a fearful rising—a simultaneous outbreak—a terrible struggle. A rebellion in one county in Ireland cost England 18,000 men, and twelve millions of additional debt. A prædial disturbance in another took six months in harassing service to 35,000 men, before it was even partially suppressed. What would it cost were all Ireland in arms? A people with nothing to lose, and everything to hope—once committed to a conflict—our natural advantages of position—every valley a ravine—every hill a fortress—every fence a bastion—a hardy people, and the approaching season when they could *bivouac* in the fields—all the small military and police stations absorbed by the population—union—the courage of right and of despair animating us within, and the sympathies of the world without. Let England pause before she will let loose Toryism in Ireland with this its inevitable result, for, whatever may be the result of such a struggle, England would come out of it, even at the best, a third-rate nation!" Now, he asked the noble Viscount, whether the Irish Attorney-General had taken any measures for the prosecution of the paper which contained words so calculated to excite the people to rebellion — naturally harrowing up their minds, and urging them on to their own and their country's destruction? He was sorry to detain the House so long upon this subject; but he confessed that when the noble Viscount talked so confidently of the tranquillity of Ireland, he had felt it to be his duty to call their attention to some facts, in order to prove what a deception it was, and how unfounded was the assertion of the protesters and of the noble Viscount. He need hardly tell their Lordships that another proof was to be found in the fact that the law was a complete dead-letter as to the recovery of the property of the clergy of Ireland. The noble Viscount had thrown out some doubts as to the reliance which was to be placed on the accounts that were received from different parts of Ireland; but he could tell the noble Viscount that which had been told to his Majesty's Ministers in another place, that those who made these statements were ready to prove them to be facts; and, if there were time, he could then go into that discussion; but, whenever there was a specific motion before the House, he should feel it his duty to enter upon the entire investigation. There was, however, one case connected with the administration of justice which he could not refrain from mentioning, in order to afford additional proofs of the insecurity of life and property in Ireland, and of the inefficiency of the law as it was now administered, and of the strange tranquillity which prevailed. The case to which he alluded happened at the late Assizes at Carlow. There was a new sheriff, who had certainly been the last on the list, according to the return which he (Lord Roden) had moved for; and why the Lord-lieutenant had passed over the first and second, and chosen the last, he knew not; but he presumed there must be some good reason. The new sheriff, it appeared, had struck the panel in a very different manner from all former sheriffs. It was customary to strike the panel in the county of Carlow according to the list of the borough constables; and of persons entitled to be jurors there were 315 Protestants and 295 Roman Catholics. Out of that number a panel of forty-four was called over in court, and of those nine only were Protestants, although the numbers eligible were 315 Protestants, and only 295 Catholics. Now there were three most serious trials to be brought forward during those assizes, all of a political nature? In the first, two persons were indicted for feloniously entering a house by night, beating a family, and carrying away a pistol. On the first jury called there were two Protestants only; of course, the first step on the part of the prisoners was to challenge those two Protestants. Now, the remaining individuals, most of whom had not served on a jury before, not only were persons in the same sphere of life, as they properly might be, but were well known to have been following the same course of conduct as that pursued by those whom they had to try. After a very fair investigation—after the perfect identification of the prisoners—after witnesses had been examined for the prosecution, and not been contradicted, the result was a verdict of "Not guilty." He was told that one of the prisoners having, at the conclusion of the trial, thanked his Lordship for his release—the learned Judge had said to him, "Thank not me, but thank the jury, who think you innocent." He knew not what the noble Lords opposite thought of that circumstance; he thought it a very formidable state of things; for he did say, that, by the act of his Majesty's Government, in refusing to challenge any of the jury on the part of the Crown, those prisoners had been left to be tried by participators in their crime. The next case was a prosecution for a rescue of cattle, and an attack on the magistrates, and the prisoners had been the leaders of a body of 10,000 men, who had cut and bruised, in a very violent manner, the officers of justice. One Protestant and eleven Roman Catholics constituted the jury, none of whom were rejected by the Crown, and the consequence was, that there was a verdict for a common assault against one of them only. The next case was one of riot and rescue of cattle, in which Honner and five others were indicted. The riot took place at a sale of cattle by auction, at Rathvilly. There was one Protestant on the jury, and as he resided in a remote part of the county, he was left on the jury, subject, no doubt, to fears and alarms. The evidence was perfectly satisfactory and conclusive, but the jury acquitted the prisoners. What was the language of the learned Judge, Baron Pennefather, on that occasion? He would read it to their Lordships:—

"Captain Vignolles proved, that he attended the sale by order of Government, and that he placed the police and military about a mile from Rathvilly, and placed videts between the place of auction and the force under his command. The cattle, however, were subsequently rescued, and a violent assault committed on Giltrap. He was called upon at eleven o'clock at night to take the depositions of Giltrap, who appeared to be dying from the effects of a beating he received. Dr. Burnet proved that he attended Giltrap, and he was in such a state as to require every degree of medical skill to save his life.

"Baron Pennefather asked Captain Vignolles why he did not pursue the cattle?

"Captain Vignolles—I would, my Lord, had Mr. Whitty made an information.

"Baron Pennefather—Did you require the information, for when you witnessed this riot you should have acted without one. For his part, he could not see of what use it was to bring the military and police within a mile of Rathvilly; for, under these circumstances, they might just as well stop at home.

"Captain Vignolles—I acted in obedience to the orders of the Government, my Lord.

"Baron Pennefather—I protest most solemnly I cannot understand why, when a riot and a breach of the peace was apprehended, the military and police should be kept a mile from the town, where they could render no assistance. It was altogether a singular circumstance."

Now, those occurrences were continually taking place, and he did maintain, that they justified that meeting, the object of which had been condemned by the protest which had been signed by the noble Lords opposite, and in which the noble Viscount had now joined. In order to prove what he had stated with respect to the jurors, he would take the liberty of moving, in the course of the evening, for a return of the panel which had been sent by the sheriff of the county of Carlow to the clerk of the Crown, and also for the jury paper. He trusted there would be no objection to that motion, as he thought it most essential to substantiate his statement. He had heard that it had been said by one who had entered into the resolutions referred to, and approved of the protest, that the Protestants of Ireland were "a miserable, monopolising minority." Whether such language was becoming in a Minister of the Crown, when he spoke of as respectable, as loyal, as important, a part of the population as any in the British empire, he would not say, but he would state, that if the Minister did use these words, they neither proved his great sagacity nor his great temper. That they were a minority, he must admit, but they were a minority in that sense in which their Lordships were a minority of the empire. If they were monopolising, it was the monopoly of all the offices of charity, and liberality towards their fellow-countrymen, which were gratefully felt and acknowledged. That they were miserable, he must admit, but their misery arose from their loyalty, and from the acts of the Government. It was also stated and objected, that the meeting at Dublin was exclusive. If they were to have any meeting at all, and to pass any resolutions expressive of their opinion, it must have been, in some sense, exclusive. Their Lordships would remember the meeting held in the Coburg Gardens, which was called by the citizens of Dublin. At that meeting the Protestant citizens of Dublin, the loyal Protestant gentlemen, attended, for the purpose of delivering their opinions against the resolutions that were about to be brought forward, and the proposal that was made with respect to the conduct of the hon. and learned Member for the University of Dublin. What was the consequence? A most violent assault was made upon them. At the head of the persons who committed the assault, there was a person of the name of Reynolds. He was the leader, and took a very active part on the one side of the question. So active, indeed, was Mr. Reynolds, who took a great share in Lord Mulgrave's triumphal entry into Dublin, in assaulting the Protestants, that he was found guilty of an aggravated assault, and sentenced to nine months' imprisonment, and the payment of a fine. If the Protestants had had such a meeting, he had no doubt it would have been more agreeable to the noble Viscount, for they certainly would not have had that immense petition. He would detain them but a few minutes longer, to mention one circumstance, which was this, that Mr. Reynolds, who had been sentenced to nine months' imprisonment, was, after one month's confinement, liberated by the Lord-lieutenant, without any reference having been made to either of the judges who tried him. What might naturally be the effect of such conduct—what value hereafter would be put upon the opinion of the judges—he left it to their Lordships to imagine. He begged to call attention to a letter that had been written to the noble Viscount by a gentleman who described himself as a Conservative Whig, and who had been at one time an active supporter of the noble Viscount's administration:—

"The public have suffered, and increased public danger has arisen, since I last addressed your Lordships, from an official act of my Lord Mulgrave, perhaps still more injurious and culpable than even the apathy which has marked the non-administration of law. Not only has every law which tends to check sedition been suffered to remain a dead letter, but even where private individuals have efficiently called the law into operation—where they had actually obtained the judgment and sentence of a competent court against the offenders—they have still been deprived of the benefit of these publicly useful exertions by a misplaced exercise, not to call it a gross abuse of the royal prerogative by your Lordship's Lieutenant. In the case to which I allude, the verdict of a jury had ascertained the guilt of the offender, and two of his Majesty's sworn judges had apportioned the punishment, in the solemn discharge of their constitutional duty. The sympathy of Lord Mulgrave, we must presume, for suffering patriotism, and the popular virtue of one of the most energetic of Mr. O'Connell's instruments interposed the Crown's prerogative between the convicted offender and justice, as that justice had been measured by the competent tribunal. Need I inform your Lordship that the extraordinary case I advert to is that of Mr. Thomas Reynolds—the friend and most active partisan of O'Connell in the various enterprises in which he has been engaged against the tranquillity of Ireland?

"The offence of which he was convicted arose out of a meeting of the populace, summoned by public notice for the avowed purpose of sitting in judgment on the public conduct of a privy councillor and Member of Parliament for the University of Dublin, Mr. Frederick Shaw, the public notice intimating that the meeting was so called, not to inquire into his conduct, but to pronounce a sentence of condemnation in the first instance. This assembly, it is superfluous to say, if not clearly illegal, was at least one of very evil example, and inevitably tending to produce tumult and violence. It was, however, permitted to assemble in the open air, without any impediment or admonition, or adequate safeguard, being afforded by the executive. It produced almost instantly on its assembling a violent and sanguinary outrage. That it should have done so was nearly inevitable; it was a call to debate, to use no stronger term where the debaters were a mob, and the arguments bludgeons! Mr. Thomas Reynolds was a leader, and the nature and efficacy of his guidance in the field of battle formed one of the principal subjects for the consideration of the jury on the trial. That trial was had before a jury of whose respectability none has affected to doubt, except so far as disqualification for discharging the duty of a juror may be inferred from the fact of being Protestant! The jury certainly have been disparaged in that respect by their creed; for it is said, triumphantly, that the majority were Protestant. It is not, however, alleged that any of them was Orange, or marked as party men. Such as they were, however, they found Mr. Reynolds guilty, after a very long and patient investigation of the case by the court and jury, and after the ablest defence which very able counsel—Catholic council, too—could make for the patriotic culprit. The verdict met with the full approbation of the two presiding judges—one the Chief Justice of the Common Pleas, the other a very learned, very discriminating, and most merciful judge, Baron Smith. Their sense of the verdict, and their estimate of the quality of the offence, is, perhaps, best ascertained by the sentence they pronounced—an imprisonment for nine months—greatly aggravated, probably in the opinion of the convict, by also binding him to give security to keep the peace. Mr. Reynolds was committed to prison in execution of this sentence. As a matter of course in Ireland at present, the liberal press imputed the conviction to the jury—the Protestant jury!—as if they were men utterly unfit, in their opinion, to sit in judgment on the trial of a liberal Reformer, even under the direction of judges to instruct and charge them in matters of law, though the riot arose from a Catholic populace sitting to try—no, not to try, but after condemnation without trial—to pronounce sentence on a privy councillor and a legislator, absent, unheard, and undefended! It was also matter of popular complaint that the judge had misconducted himself in his charge, and that both the judges had been guilty of injustice, by pronouncing a sentence unwarranted in its severity by the facts, even if the verdict of guilty were not itself an unjust one!

"Lord Mulgrave certainly did not instantly interfere to supersede this unpopular verdict and unmerciful sentence. His Lordship had the forbearance to wait until one ninth part of the sentence pronounced by the King's judges had been suffered; but whether it was, that O'Connell confidentially communicated his wish that in 'justice to Ireland' the remaining eight months of the sentence should be remitted—or whether it was, that the spontaneous movement of mercy in the breast of his excellency could no longer be resisted—Mr. Reynolds was informed at the end of one month that he was free and that the sentence was remitted. He was thus remitted to the discharge of those public duties for his zeal in which he had been so unjustly sentenced to nine instead of one month, which in his excellency's estimate, was abundant punishment for his 'error in judgment.'

"My Lord, this act of your Lieutenant was not merely indiscreet and irregular, but I submit it to your cooler judgment was unconstitutional and unwarranted—perhaps the most indefeasible act, in every point of view, of all that his excellency has committed since his joint reign in Ireland with O'Connell commenced—indiscreet as regarded the individuals who had prosecuted an offender against the public peace—irregular as it regarded the royal prerogative, of which it appears so palpable an abuse; but most of all was it injurious to the public, by bearing the strongest possible indications of favour to either what is called the popular party, by whom the meeting which produced the offence was called, or to the convicted culprit, from his known connexion with O'Connell. Indeed the multiplied evil of the measure is evinced by the impression actually made by it upon the public mind and on both the opposing parties—on the one it has produced the hope, in the other the fear, of a partial administration of justice; and looking at it in all its bearings and circumstances, it seems difficult, indeed, to reconcile it with a fair exercise of the royal mercy. It may be, perhaps, within the power of his excellency to disclose facts, which may entitle it to a mitigated censure; but if such there be, they are concealed most modestly from the public; for it will not now, I conceive, be denied that there was no extraneous fact which warranted the remission of the sentence—no new fact legitimately discovered or communicated—nor was either of the judges who tried the case previously consulted as to whether there were in their notes of the evidence (the only legitimate channel of learning the facts of the case) any circumstances which could warrant an exercise of the prerogative of mercy, consistent, at the same time, with justice and the public good.

"Surely, my Lord, it is not now that Lord Mulgrave is to learn that the prerogative of mercy is, like the other prerogatives of the Crown, vested in the Sovereign for the good of the people; that it is, therefore, not to be used capriciously, without any reasonable ground, nor vexatiously, or through favouritism, to the injury of one party, against another, nor from any private motive. The judges, therefore, who try a case in which it is thought that grounds may exist for the exercise of that godlike prerogative, mercy, are the advisers to whom common sense as well as the principle and habits of the constitution point, for previous counsel on the intended extension of mercy. If those learned and competent persons, competent from their habits, and competent because, from having presided at the time, they must have the most authentic and perfect knowledge of the evidence, and of the circumstances of the case—if they were not consulted (and that they were not will not, I believe, now be denied), the remission of eight months of the punishment awarded against Mr. Reynolds causelessly (for no application grounded on any ascertained fact is pretended), that remission must be gratuitous, capricious, unjustifiable, and therefore, an abuse of the Crown prerogative!"

He would make an observation or two respecting the National Association in Ireland, which had been adverted to by the noble Viscount. The complaint made by himself and Friends, was, that persons had been selected for official and highly responsible situations from the National Association, who had been engaged in a way that was detrimental to the interests of the nation, and who had been parties to the passing of resolutions subversive of the Protestant religion—resolutions which declared that nothing but the voluntary principle would satisfy them. The appointment of those individuals was complained of on that ground, and not because they professed the Roman Catholic religion. He had the pleasure of being acquainted with many Roman Catholics, for whom he entertained very great respect. He certainly did most cordially abhor and detest the doctrines of the

Church of Rome; he believed them, as he had sworn he did when he first took his seat in their Lordships' House, to be idolatrous and superstitious; but he nevertheless entertained the greatest respect for the persons professing them, and he was anxious to promote the interests of those persons, conceiving that their religion ought to make no difference in that respect. He rebutted, then, the observations of the noble Viscount, and would say that hedid not participate in the statements, on which the noble Viscount had animadverted. He must say, also, that he was not influenced by party feeling. It made no difference to him who sat on this or that side of the House. He could derive no advantage from any particular party being in power: he had no political ambition to gratify. He could only be benefited by the formation of a Conservative administration, as every man would be who had property to lose and a character to maintain. That for which he contended was the great principle of civil and religious liberty in its true sense; he contended for the toleration of the Protestant religion in Ireland; he contended for protection to those poor Roman Catholics who were convinced of the error of their faith, and were anxious to come over to the Protestant religion, but who were prevented by the power exercised over them from obeying the dictates of their conscience. There existed a party in Ireland, which kept that country in chains, and as long as such a state of things continued he would vote against the measures which he thought likely to strengthen that party, and would oppose them by every means in his power. The noble Viscount had acknowledged what had been the effect of these measures —he said they had proved a great discouragement to, and had inflicted a severe blow upon the Protestant religion. That such an admission had come from a Protestant he much lamented. He felt that he was bound to stand up against these measures, and though we lived in degenerate days, when the spirit of "liberalism," as it was called, but he would term it infidelity, had nearly swamped the land, yet he believed there was still to be found, not only in their Lordships' House, but in the great mass of the middle class of society, a spirit of pure Protestantism, which would spring up and show itself possessd of such power as would convince Parliament that Protestantism, could not be destroyed. He considered the country to be on the verge of a great crisis; he was of opinion that the time was not far distant when the question to be decided would be, whether they must respect the legislative union, or the Act of 1829. If such a question did not come before them, he should not hesitate as to the course he should pursue, for the experience he had gained since 1829 had impressed it deeply on his mind that no security could be given by the Roman Catholic Members of the House of Commons for the Protestant Church as established by law.

The Marquess of *Clanricarde* said, that while he admired the prudence and discretion which had led the noble Earl to postpone his statement and attack until the noble Viscount had addressed the House, yet he thought, in point of fairness, that the noble Earl ought to have made his statement when there was an opportunity of his being replied to by a Minister of the Crown, who, it was to be supposed, would be able to answer that statement in detail. The noble Earl had objected to the protest against the Protestant meeting on two grounds. The first had reference to the tranquillity of Ireland. Now, he was free to admit, at the same time that he was sorry to be obliged to admit, that when they spoke of the "tranquillity" of Ireland, they did so in a comparative sense; and, viewing the term in that light, it could not be said that they had not been warranted in making use of it. But the noble Earl, in order to show how erroneously it had been applied to Ireland, had recourse to events which had taken place, not only since the meeting had been held, but since the protest had been signed. Two out of the three letters he had read from clergymen, were dated since the signing of the protest. The noble Earl had also referred to the proceedings of a late meeting of the National Association, and therefore concluded that they had been in error, when they said, that Ireland was comparatively tranquil. He must say, he had signed the protest with the utmost readiness; for, looking at the events that had recently taken place in Ireland, in which he spent a considerable portion of his time, he had thought it fair to say, that the country was comparatively tranquil. When the noble Earl spoke of the dangers which prevented insurances from being effected on the lives of Protestant clergymen, he ought to have shown what those dangers were. The insurance companies did not take the trouble of inquiring how many lives had been sacrificed by those dangers, but acted upon the declarations of the "Protestants of Ireland," who put forth grossly exaggerated statements, which, upon investigation, would be found to be incorrect and unfounded. The noble Lord's second cause of complaint, was in the general practice of the Government with respect to the selection of juries; but he had completely misrepresented the practice of the Crown in such cases. He said, that the Crown had given up the practice of setting by jurors, and he said nothing more; while the fact was, that the only practice that had been given up, was that of setting aside jurors on account of their religious opinions. That was the only difference. The noble Earl, not satisfied with this statement, had gone so far as to say, that a prisoner charged with a serious offence, although proved to have been guilty, had been acquitted. That was a very strong assertion; but of its correctness they had no proof beyond the noble Earl's *ipse dixit*. He had not attempted to show how the party accused was proved to have been guilty. What said the judge on the occasion, as quoted by the noble Earl? "Don't thank me, but the jury who deem you innocent." But did that cast the slightest stigma or imputation upon the jury? He thought not. The judge had said distinctly, "they think you innocent." If men were set aside in consequence of their religious principles, he would undoubtedly say that the jury was a packed one, and that such a proceeding very naturally cast a slur upon the character of justice, and excited discontent and distrust in the minds of the people. The noble Earl had stated, that men might be, or had been—he did not exactly know which—tried by their accomplices; but had he shown how, or quoted any instance of the sort? A case had lately been referred to, in which it appeared that one of the jurors had been convicted of a riot three years before; but what of that? If they were to prevent men who had been convicted before the magistrate or at quarter sessions of a riot, from serving as jurors, he should like to know how far they would carry out the principle, and if they were prepared to say that a man who had three years previously been convicted of a riot should not perform the functions of a juror. The noble Earl had referred to the case of Mr. Reynolds, and rather unfairly to the party accused. He should like to know why the subject had not been referred to last Session, when his noble Friend (Lord Mulgrave) was in his place in that House, after Reynolds had been liberated. His noble Friend, he believed, had come down for the very purpose of answering any complaint that might be made; and he had reason to expect that some would be made, in consequence of a notice of a motion given by the Marquess of Londonderry. He had heard in Ireland, what he was sure was the fact. Mr. Reynolds, having made application to the Lord-lieutenant on the subject of his sufferings, his Excellency applied to the Chief Justice for a report of the trial, which was laid before the law-officers of the Irish government, who were of opinion that the conviction had taken place contrary to law. He did not exactly know whether, if called upon, his Majesty's Ministers would be justified in laying a copy of that opinion before the House; but he could assure their Lordships, that what he had stated was a true version of the facts. The noble Lord opposite had complained of motives having been attributed to those who called the meeting in Dublin. What were the facts? A requisition had been signed by eight Peers, at the head of whom was the noble Marquess, who had that evening presented the petition, and who had presided at the meeting. He certainly looked upon that noble Lord as the chief mover in this affair, for he had of late taken up the character of an agitator on that side of the way. He was now the great anti-O'Connell agitator, whose attendance was requisite on all important occasions; and who, two years and a-half ago, had created such a great sensation in Ireland. What, then, could be the object—what the effect of this meeting? What could eight Peers want with a meeting? It could not be to petition Parliament for themselves; it could not be to address the Crown, because they had a right to demand an audience of the Crown; it could not be to address the subjects of the Crown, or to make any complaint against the Government, because, if they wished to do either, the House of Parliament was the proper place to do it in. Why, then, should noble Lords have disturbed the tranquillity of town and country by the course they had adopted? The noble Lord was vexed with them for having used that term, but he now asserted, and advisedly too, that the tranquillity of Dublin had been most seriously endangered by that meeting. Great apprehensions of a riot had been entertained, and if the Irish government had not exerted itself as it had done, both privately and publicly, and in the most discreet manner, a scene of tumult, and very likely bloodshed, would have disgraced that city—a circumstance which the noble Earl would, no doubt, lament fully as much as any other individual. He would say, therefore, that it was very difficult to guess what the object of eight Peers could have been in getting up such a meeting, unless it were with some view to the coming session. He recollected the meeting of the county of Down, and the change that had taken place not very long afterwards. In the speech of the noble Lord in Dublin, there was no particular reason assigned for holding that meeting; but yet it contained matter of great exultation, which had been published by all the daily and weekly organs of the noble Lord's party, and given rise to conjectures respecting a certain change which they, in some degree, foreboded. The meeting in Dublin at which the noble Marquess had taken so prominent a part, was the consequence of a species of northern light, which had beamed beforehand from Glasgow. Could there be a doubt that all these meetings were held with a view to secure the triumph of a party? The coming forward of these noble Lords at both these specific times, did certainly look ominous, when a struggle was about to take place, and a victory about to be achieved, by which were to be advanced the interests of the party with which those noble Lords acted. At both these meetings, charges were freely brought forward against his Majesty's Government. It would have been befitting that these charges should have been subsequently substantiated! How had those charges been substantiated? Why, there had been no case whatever made out in support of the charges which had been thus generally made. He would appeal to the common apprehension of the humblest members of the community, as well as the most exalted, whether it was a trifling matter thus to charge the Irish government with the destruction of the rights and privileges of a large portion of his Majesty's subjects, and with connivance at the proceedings of a "seditious organization." Surely, it was a matter of no ordinary importance to prefer such a charge against any administration; and, if such corrupt connivance were really capable of proof, it ought to be made the matter, if not of impeachment, at the very least, of a substantive motion before their Lordships' House. If noble Lords were sincere in preferring those charges, they should either practically take measures for substantiating them in Parliament, or, admitting that they were in error, should retract them. The noble Lord then read an extract from a letter written by Lord Castlereagh, upon the occasion of the superseding Earl Fitzwilliam in the Lord-lieutenancy of Yorkshire, in which Lord Castlereagh observed, that Earl Fitzwilliam had stated, at the York meeting, an opinion, which betrayed so much distrust in the Government, that it was judged to be incompatible with the honour of the Government to continue him in office. Now, it was worthy of observation, that the resolution which was adopted by the York meeting, referred to by Lord Castlereagh, prayed only for inquiry; and that nothing was positively stated in the way of charge. Whereas, at the more modern meeting, resolutions in the highest degree condemnatory of the conduct of Government were adopted, published very generally in the newspapers, and signed by the noble Marquess, as chairman of the meeting. The "General Association," had been solemnly condemned in those resolutions. For his part, he believed that there was much in the circumstances which existed at the time to justify the formation of that body. A noble Lord, who was seated opposite, on the second bench (Lord Donoughmore), had been the mover or seconder of a resolution at the great Protestant meeting in Dublin, and yet that same noble Lord, if he (Lord Clanricarde) was not much mistaken, had been the mover of a vote of thanks, not many years before, to Mr. O'Connell, at a meeting which was held in the county of Tipperary. To political associations, of every character, he entertained a great dislike. He never, as yet, had connected himself with any such associations; and, although he was averse to rash prophesying, he thought he might, with perfect confidence say, that he never would so connect himself. But those who were real well-wishers of Ireland, should never speak of such associations, save with respect. What was it that, at the latter end of the last century, had carried the question of free trade in Ireland? What was it that had introduced the principle of free representation into the Irish parliament? What was it, in fine, that had carried the question of Catholic Emancipation? Surely, it was associations of exactly a similar nature. True it was, that such associations always betokened an unnatural state of society; true it was, that they constituted a sort of engine whose working might be perverted to great mischief; but he must say, that in his opinion, the association which was now complained of, was the least objectionable among associations of a similar nature; and that, recollecting what had happened during the last year, recollecting the feelings which must naturally have been excited at that time by recent political occurrences, there was as much to excuse the formation of that association as ever had occurred to excuse the foundation of any association at any period whatever. Much as he had declared himself averse from forming a junction with such a body, he had been very much tempted to join that association during the last recess; and the sole reason which had withheld him, was the consideration that there were not always very sound heads, nor, in all instances, perfectly honest hearts, engaged in the direction of those associations. It was quite a possible thing that speeches might be made, and resolutions adopted, at their meetings, which might render it not altogether becoming in him to join them. Whatever triumph—grateful to their political feelings—the party opposite might expect to achieve, he should be exceedingly sorry. in any event, to see this association put down by force, or to see any Government seeking to put an end to its existence by any other means than that of satisfying the reasonable demands of the people. For his part, he attached but little importance to the resolutions which had been carried at that tumultuous meeting, to which noble Lords before him had referred. In conclusion, he would beg to direct the attention of their Lordships to the fact, that the petition which the noble Marquess had this evening presented, had been agreed to upon the 24th of January last; and that all the time which had passed between that period and the present, had been suffered to elapse without one word having escaped a single Lord in their Lordships' House upon the subject of those complaints. He certainly thought, that it would be becoming in noble Lords not to authenticate resolutions and statements of this description by their signature, unless they were prepared to sustain them boldly when the subject was brought forward for discussion in their Lordships' House.

The Earl of *Donoughmore* said, he had had certain misgivings in his mind as to the quantity of power which would satisfy the Roman Catholics. Different members of his family had been the strenuous, the zealous, and the uncompromising advocates of the Catholics of Ireland; but it was on the clear and perfect understanding that any political power with which they were intrusted would not be used to the injury of the Protestant Establishment. Now, since the passing of the Catholic Relief Bill of 1829, all the engagements which were entered into with the Protestant subjects of Great Britain and Ireland had not been faithfully kept. It was not necessary for him, at this time of day, to repeat to their Lordships in what way they had been violated; but let him ask their Lordships if they recollected the evidence taken before the Committees of this House and the other House of Parliament? Was it not stated, that the Protestant subjects of Ireland would be secured if that relief measure passed? He did his utmost to get the Bill adopted; he voted for it; and what was the consequence of the passing of that Bill of 1829? Would they refer for an answer to the tithe war which had been raging on in Ireland? The other day, in Tipperary, a Protestant minister was starved to death. Were such circumstances to make no impression on his mind? He was ready now, and he always should be, to admit the Catholics to a full participation in all the blessings of the British Constitution, but, at the same time, he was determined to maintain the Protestant institutions in Church and State. These were some of the reasons for which he signed the resolutions; but another reason was, the attempt to pass the Municipal Corporation Bill, which he thought would tend to destroy the Protestant religion. For three years he had done nothing, because he did not believe his Majesty's Government would leave the Protestants of

Ireland in the state in which they found themselves. With respect to the statements of the noble Viscount respecting the tranquillity of Ireland, it was evident that they proceeded from mis-information. From the accounts in his possession, it appeared that, in the space of only three years and a-half, no fewer than 641 human beings had, in that country, been deprived of life. He asked if, under such circumstances, the country was in such a state as to justify the Lord-lieutenant in liberating from gaol ninety-six persons? He trusted that he was no enemy to the extension of mercy in any quarter to which mercy ought to be extended; but, recollecting the difficulty of getting evidence and obtaining convictions, what must be the consequence of the Lord-lieutenant's coming the day after and letting out of prison almost all who had been convicted? Was such a course as that calculated to assist the local magistrate in securing peace? No other feeling but that the judges were tyrannical and the juries in error could justify the Lord-lieutenant in this kind of wholesale liberation. The noble Viscount opposite had declared, that he was quite sure the noble Earl at the head of the Government of Ireland would not have interposed so freely with the royal prerogative without the fullest previous consideration. Now, what was the extent of that consideration? One morning, his Excellency goes to the gaol of Clonmel, and, without any communication with a single county gentleman, discharges 57 persons. And that was called the fullest previous consideration. After a while, his Lordship sent to the governor of the gaol to order their discharge; when the answer to this superfluous requisition was, that they had been already discharged many hours before. Among the prisoners who were thus let out, were two men of the names of James and Thomas Milbourn, whose crime was shooting at, with intent to murder, Thomas Cleary and son. Without any previous inquiry these men were liberated from prison. Another person, of the name of Bryan, had been convicted of a most grievous and wanton assault, amounting almost to a deprivation of life. He had been ordered to be imprisoned twelve months, and to find securities for his good behaviour for five years. What followed? That on the 22nd of January this man was turned out of gaol without giving any security whatever. Now the course thus pursued was most detrimental to all good government. It was most painful to him to make these statements. He had been charged with a want of consistency in politics. The charge was unfounded. He (Lord Donoughmore) had been charged with proposing a vote of thanks to Mr. O'Connell, in the county of Tipperary. He had done so, and he felt perfectly justified in having done so. After the Reform Bill had been thrown out in the House of Lords, it had been thought necessary to get up petitions on that subject in Ireland. For his conduct on that occasion, he had proposed a vote of thanks to Mr. O'Connell; and if that hon. and learned Gentleman's conduct had been as praiseworthy down to the present day, he should have been happy to repeat the proposition.

The Earl of *Glengall* was of opinion, that after other associations had been put down in Ireland, it was most improper to connive at the continued existence of an association whose leader, in one of his recent manifestoes, had called upon the people of Ireland to continue their agitation, until they should have obtained Municipal Reform, Vote by Ballot, Short Parliaments,and a variety of other objects. When these measures were secured by the hon. and learned Gentleman, the repeal of the Union would follow as a matter of course. The noble Marquess had said, that this was a mere local association. The noble Marquess was, he believed, mistaken; for he would find that this Committee had what were termed "Committees up stairs," which were in communication with every part of the country—Committees, in short, whose meetings were as exclusive as ever had been those of the Orange Society. Not content with railing at what they termed "the Church nuisance," they now attacked the "absentee nuisance" in most unmeasured terms, and while some of the members of the association were for stripping the absentees of half of their estates, others were for depriving them of the entire. He was one of the Peers who in 1829 had attended the meeting which was held in Dublin, and at which the claims of the Catholics to emancipation were advocated. He certainly felt surprised at seeing appended to the recent protest the names of four Catholic Peers. He would recommend to the adoption of those noble Lords the example of the Roman Catholic Peers of

England. A noble Lord had alluded in the course of this debate to a phrase which had recently been very popular — he alluded to the phrase "monopolising, miserable minority." He certainly believed that this phrase, if applied to the Protestant portion of the Irish community, would be quite correct, for they certainly were great monopolists of land. In the county of Tipperary the Protestants held 550,000 acres. He believed, if he said the Roman Catholics held so much as 30,000 acres, he should be far outstepping the mark; and in the county of Cork (the largest county of Ireland, and also, in point of numbers, a very Catholic county), the proportion would not be found to differ much from the proportion in Tipperary. It was true that the Catholics outnumbered the Protestants in Ireland; but taken in the ratio of property the Protestants far outnumbered them. With regard to the alleged growth of tranquillity in Ireland, and to the letter of Mr. Howley, the assistant-barrister, which had been read by the noble Viscount opposite, he would just observe, that the diminution of the number of faction-fights at fairs, upon which that learned gentleman laid so much stress, was attributable mainly to the greater activity of the police. At whatever town a fair took place, it was now the custom to collect all the police of the barony. The noble Lord also said, that the intimidation of witnesses had subsided. But he (Lord Glengall) was sorry to say that, although a magistrate of the county of Tipperary, and intimately acquainted with the administration of justice in that county, he could not state that the intimidation of witnesses had diminished. The opinion, too, which Judge Foster had expressed upon this subject at the recent assizes, was totally at variance with the noble Lord's. With regard to the comparative tranquillity of the country, to which the noble Lord had alluded, he must say, that the returns of the last year were more prolific of murders than those of some three or four years preceding. In 1833, there were 136 crimes of this description, for which convictions were had: in 1834, 195; in 1835 (as we understood the noble Lord), 174; and in 1836, 204. The number of persons committed to the county gaol of Tipperary during the past year, was no fewer than 1,557. In the month of August last, his Excellency the Lord-lieutenant, upon visiting that county, liberated fifty-seven persons from the county gaol. His clemency was, however, not limited to this instance. It was exhibited in instalments, thirty prisoners more were liberated afterwards. All these liberations, according to the noble Viscount opposite, took place after the most mature deliberation; and yet, it appeared that seven months after this circumstance took place, a letter signed by Mr. Drummond was forwarded to the inspector of this gaol, inquiring into the particulars of the character and conduct of these parties before and during their imprisonment, and desiring him (the inspector) to specify whether any representation had been made by the local magistracy or gentry of the country, recommending the propriety of releasing these prisoners. The answer from the inspector of the gaol was to this effect—that Mr. Fell, the chaplain of the gaol, had recommended one female, whose period of imprisonment under her sentence had expired, but who had been detained for want of bail. Fifty-five male prisoners had been discharged on the recommendation of the gaoler and the turnkeys for their good conduct in the gaol, and one female had been discharged by the Lord-lieutenant himself; so that in all there had been fifty-seven discharged from that gaol without any recommendation from the magistracy. The number discharged in the county of Tipperary was ninety-seven. Now, when their Lordships recollected the number of magistrates who had been fired at, and some of them killed, in that county, he would ask, what must be the feeling of the magistracy generally, when they found that number of prisoners discharged and returned to their homes? Now, as he had said, all this had been done without any communication with the magistracy of the county. If the sentences of these men had been too severe, and it was deemed expedient to mitigate or remit the remaining portion of their sentences, it ought for the sake of the future peace of the country to have been done through the magistracy, that they might at least have some of the merit of the clemency thus exercised. It had been said, that this extension of clemency on the part of the Lord-Lieutenant had been charged upon him as originating in political bias and from political motives. He had made no such imputation, and if the noble Viscount Melbourne would look at the petition which had been laid on the table, he would find that it contained no charge of that kind. The petitioners spoke of the prerogative of mercy having been so injudiciously exercised as to deprive the judges and the magistracy of that respect in which they ought ever to be held by the people. His Excellency having visited Waterford, directed the liberation of nine persons from gaol, and in Cork he discharged many more. One of the men so discharged was Richard Dunne. He was afterwards taken up for the commission of another offence, and was now under sentence of transportation for seven years. In Cork a man named John Bryan had been convicted of a felonious assault on a child, and was sentenced by Baron Penefather to two years' imprisonment. Five months of his imprisonment was unexpired when an order came from the Lord-lieutenant for his discharge. Soon after he was found guilty of a violent assault, and sentenced to two months' imprisonment. Shortly before this sentence was expired the man whom he had assaulted died of his wounds, and a warrant was sent to the prison to detain him on the charge of murder; but he had been discharged on the morning of the day on which the warrant had arrived, and he had not since been heard of. Now, the whole of this took place within the five months of his imprisonment which had been remitted, and if that remission had not been made he could not, of course, have committed the assault which caused the death of a fellow being. Another case of those liberations was that of a man named Crawley. He was under sentence of transportation for seven years, which was commuted to six months' imprisonment. On the very night of the day when his imprisonment terminated he committed a burglary and robbery, was tried for it, and was now under sentence of death in Cork. These, then, were some of the effects of that system of general gaol delivery lately adopted in Ireland, to which he knew of no parallel except that general gaol delivery which was effected in the reign of Richard 2nd. by Wat Tyler. He would now call the attention of their Lordships to the system which had recently been adopted in the appointment of sheriffs, and other public officers, in Ireland. From accounts which he had seen it appeared that not fewer than twenty-one gentlemen, in every respect qualified to execute the office of sheriff, had been passed over, and seven had been superseded. Formerly it was the practice in Ireland that the sheriffs used to be nominated by the county members, but on the suggestion of Sir John Newport, Sir Robert (then Mr.) Peel consented to give up that mode of appointment, and adopt the English mode of having three named by the judges, of whom one was selected by the Lord-lieutenant. In some recent instances this system had been departed from. For instance, in the county of Louth, three gentlemen of the oldest and most respectable families in that county, Mr. Fortescue, of Ravensdale, Mr. Bellingham, of Castle Bellingham, and Mr. Brabazon, had been returned to the Government by the judge (the Lord Chief Baron) and passed over—for what reason he did not know, unless, perhaps, it was considered that another sheriff might be more favourable to certain candidates at an election. That, at least, was the opinion of the Conservatives and the Radicals in that county. Now with respect to the appointment of assistant-barristers, it was well known that they were permanent judges in Ireland, and that a considerable portion of the property of the country, and a large share of its criminal jurisprudence were under their adjudication, and it was also known that their fiat was final in registration. An assistant-barrister, a member of the National Association, had been appointed in the county of Longford. That county was at the present moment in a state of considerable excitement, having recently had an election there, the return on which was now pending before a Committee of the House of Commons. Mr. Tighe, the assistant-barrister, had placed on the registry votes which had been struck off by an Election Committee of the House of Commons. Mr. Tighe considered that the House of Commons had no right to strike those votes off, and he again placed them on the registry. In Carlow, Mr. Hudson, for whom two other assistant barristers had been removed, though he saw no reason for the change, had done the same. There was no objection to Mr. French, the previous assistant barrister, except that he had very properly refused to place certain votes on the registry, which, however, Mr. Hudson granted. And what was the result? Why, this very day the Carlow Committee struck off one of the votes so placed, and probably would strike off the rest to-morrow. Now, let him ask what was the situation of an assistant barrister, who was also a member of the Association? By his oath he was to support the laws, and see them, as far as he was concerned, duly administered; but by his pledge to the Association he was considered bound to resist the execution of some of those laws, so far at least as concerned the collection of tithes. Was he, then, a fit person to take cognizance of cases where tithes were the subject of litigation, and which, as a member of the Association, he was pledged to oppose? Let him now look to the conduct pursued by the Government in Ireland with respect to the appointments under the Constabulary Act. That Act was passed last year, and received very general approbation. It was understood that the appointments under it would be made by the officer under whose general direction the constabulary force was placed, and that none but the most deserving individuals would be selected. It appeared, however, that that officer had little or nothing to do with those appointments. Since the Act passed twenty-three stipendiary magistrates had been appointed at an expense to the country of 12,000*l.* annually. Now, either the country was tranquil, and had no occasion for those appointments, or it was not tranquil, and there was occasion for them. For his own part, he did not think the country was so tranquil as some had represented it, yet he did not think the appointment of those magistrates necessary to the extent to which they were made. Amongst the magistrates so appointed was Mr. Lewis Crewe Smith, a member of the Association. By his oath that gentleman was, as all magistrates were, bound to administer the laws, and by his pledge to the Association he was to obstruct that administration, which of those pledges Mr. Smith would keep he did not know. Out of the twenty-three stipendiary magistrates, there were nineteen who had never been in the police before, while there were 150 chief constables unprovided for, who had been ten, twelve, or fourteen years in the service. It was unfair to appoint such men, and pass over those who had served the country for years. With regard to sub-inspectors, twenty-five had been appointed, and seven of these had never been in the police before, and there were also 150 who had been in the old police, and were left without appointments. There were eighteen paymasters, only two of whom had been in the police before. An Act was passed last Session for appointing a certain number of Crown solicitors, with a salary of 200*l.* a-year, and four of these gentlemen were members of the Association. These were the Crown solicitors for Tipperary, Westmeath, Mayo, and Sligo. These gentlemen had important business at the quarter sessions. A vast number of tithe cases were decided at these sessions, and the Crown solicitors were bound by their oath to carry the law into effect, while, by their connexion with the Association, they were pledged to a contrary course. He might mention an instance to show how the law was administered. An elector came before the assistant barrister, and stated, that he had given up his lease in order that he might not be compelled to pay the clergyman his tithes; and what was the Crown solicitor's remark on the occasion? That he had given up the lease in order that he might rob the clergyman of his rights? No; but that he might prevent the clergyman from robbing him of his rights; and before the tithes could be collected they had to employ a number of infantry and dragoons to enforce the law. Much had been said about the system of appointing pacificators, and great stress had been laid on that by a noble Lord opposite. Now, he believed most of these pacificators were dram-sellers and shopkeepers in towns; he believed, at least as far as regarded Tipperary, all the *bona fide* Roman Catholic gentry had invariably kept aloof from every association of that sort. In Tipperary there were no Orangemen; but certain parties, to suit their purposes, made all Protestants Orangemen. He would not trouble their Lordships further, but would thank them for the attention with which they had listened to his remarks.

The Marquess of *Lansdown* said, after the appropriate and convincing observations made by the noble Marquess below him (the Marquess of Clanricarde), who had signed the protest, and who was therefore well entitled to speak on the subject, it was not necessary for him to detain their Lordships long. He had declined to sign the protest, though he concurred entirely in the sentiments which it contained. He concurred in the sentiments because he thought it was proper to call the Protestants of Ireland to a sense of the impropriety of their conduct, and divert them from a course so inconsistent with their former conduct, and so dangerous to the peace of the country. He could not help remarking the inconsistency of the noble Earl who spoke last but one; that noble Earl said the resolutions met with his entire concurrence, and why? Because he had apprehensions that a Bill would be brought into Parliament by his Majesty's Ministers for reforming the Municipal Corporations of Ireland; and in the same speech the noble Earl told the House that he had supported the Roman Catholic Emancipation Bill in the full desire that his Majesty's Roman Catholic subjects might enjoy all the privileges of his other subjects—no, not all the privileges; he knew they could not enjoy all the privileges; he knew that without a reform in the Municipal Corporations they could not enjoy them; and notwithstanding that, he tells the House that he quarrelled with a Bill which was to be introduced, and charged the Government with all manner of offences, even with treasonable practices, because he apprehended his Majesty's Ministers were about to introduce a Bill for corporation reform, by which they might carry out those very principles on which he supported Catholic Emancipation. The petition had been got up because noble Lords opposite considered their lives and property insecure, and they had no hope but in the House of Lords. For the purpose of getting up the petition a meeting was held in Dublin, from which were excluded all persons of different opinions; none were to be admitted except those whom they knew would agree with them, and they came undoubtedly to a most unanimous conclusion, that the Government of Ireland had not done its duty, that they were in undoubted danger, and that there was no hope for them but in the House of Lords. Why the petition was agreed to three months ago, and yet the noble Marquess did not think it worth while, notwithstanding all the alarm and anxiety under which he laboured, he did not think it worth while to come to the House the first day of the Session to apply for relief, but had for three months allowed the lives and property of his Majesty's subjects to remain in insecurity. However, after two months had elapsed from the commencement of the Session the noble Marquess gave notice of a motion, and moved that the House be summoned. Well, he was anxious to see what was the object of the noble Marquess's motion; but the noble Marquess did not present the petition—no, he postponed his motion, and left to the mercy of the Catholics the lives and property of the Protestants of Ireland for two weeks longer. Now, if he were to admit the danger, certainly it could not be said the urgency was great if the noble Marquess delayed for three months to call upon the House to exercise its powers in their behalf. And as to the powers to be exercised by their Lordships, the noble Marquess seemed totally indifferent on that point; for after having allowed the motion to hang over so long, when he does bring it on, he charges the Lord-lieutenant with something like treasonable conduct, and when he is asked if he had any motion to propose, his answer was no, he had not even a notice of motion to give. Yet he had allowed persons to trump up statements from newspapers in any quarter, which the Government had no means of contradicting; and when these statements are embodied in the petition, the noble Marquess moved that the petition be read, and he read accordingly himself, and concludes by moving that it do lie on the table; and was that all the noble Marquess and the noble Lords who signed the petition intended to do for the purpose of quelling disturbances in Ireland, and enabling the landed proprietors to collect their rents? But noble Lords opposite had gone into some minute details; they had adduced some trifling cases, which they denounced as irregular and contrary to constitutional government, but they had not given any general data, or any facts to which his Majesty's Ministers could reply. True, they had impugned the general government of Ireland, but it ought to be remembered that they impugned it only as regarded the exercise of two constitutional functions—the prerogative of mercy exercised by the Crown, and the conduct of jurymen; and these charges were brought by persons who arrogated to themselves the name of Constitutionalists—who used the word constitution at every step of their proceedings: the word was constantly in their mouths, as if it were their peculiar property. Now, he would tell them that he regarded the constitution as highly as they did, and could inform them, also, that what the

Lord-lieutenant did he did after due consideration. They complained that the Lord-lieutenant had visited certain gaols and liberated prisoners, as if he had done so on the impulse of the moment. Now, he believed, he might safely assert that it was impossible the Lord-lieutenant could have liberated any prisoners without having made himself master of the cases, and as a proof of this he should not go into particulars, but state general facts. He would state the result of the applications made to the Lord-lieutenant for remission of punishments. From a return which he held in his hand, it appeared, that from the 12th of May, 1835, to the 31st March, 1837, the number of cases reported unfavourably and favourably to Lord Mulgrave were as follow:—There were reported unfavourably, without reference to the judges, 588 cases, and after reference to the judges, 546, making altogether 1,134; of cases reported favourably there were 259; after reference to the judges, 200; after reference to the magistrates, 77; on reference to the medical offices, 108; and 108, 162, and 285, on recommendation respectively from the solicitor of the revenue, the magistrates and inspectors, and the governors of prisons—making with some other cases altogether 2,338. He was, therefore, entitled to ask, if the Lord-lieutenant had shown any want of consideration after the cases he had adduced? But other matters had been introduced, and comments had been made on the exercise of the prerogative of the Crown respecting the appointment of sheriffs. He would not go into all the cases adverted to, but he was prepared to mention a fact, and it was undoubtedly fortunate that he had a fact to confute one of the most prominent statements made by the noble Lord who spoke last. That referred to the appointment of a sheriff for the county of Louth. The noble Earl said, the Lord-lieutenant had been guilty of undue interference and undue exercise of the royal prerogative in that appointment. He happened to have the means of knowing what really did occur. Three gentlemen were recommended by the Chief Baron. The first was Mr. Fortescue, and an application being made to him, he declined the appointment, yet the noble Earl imputed blame. [The Earl of *Glengall* believed Mr. Fortescue to be a most respectable individual.] The noble Earl admitted he was most respectable, and there could be no blame imputed in that instance. The next gentleman was Mr. Bellingham. He had happened to serve the office in 1829, and it was not usual to appoint one who had been sheriff; the third was Mr. Brabazon, a very young man, and he applied to be excused because he considered himself unfit on account of his youth. Thus it appeared that the Lord-lieutenant was blamed because the first gentleman declined service, the second had served before, and the third was unfit to serve on account of his youth. He supposed the case was brought forward in order to show that the royal prerogative had been improperly exercised by the appointment of a Roman Catholic as sheriff, yet that was the very man, as had been learned since, who would have been recommended by the former sheriff, *ex uno disce omnes.* The Lord-lieutenant met the difficulty of the case by promptly appointing another gentleman, in order that the country might not be left without the means of good government. With respect to the apprehensions which had been expressed as to the consequences likely to result to England from the disturbances of Ireland, the noble Marquess who had previously spoken, had justly observed, that nothing was so likely to produce the dreaded evil as the publication of resolutions and declarations of this kind, whereby merchants and insurance offices were betrayed into the belief that there was no security for property in Ireland. But, he asked, was property growing more insecure in Ireland? It was rather remarkable, that amongst all the complaints they had heard, no intimation of that kind was ever made or thought of, and, therefore, to supply what was doubtlessly a casual and unintentional omission, he would trouble the House with the statement of a few results taken from the official items, of the number of offences and outrages of all kinds reported to the constabulary in the years 1836 and 1837. In the five months up to the month of February in the last year, the number of outrages reported was 1,794; during the five months up to February in the present year, the number of offences so reported was 765, and this at the very moment when noble Lords were proclaiming to the country that the security for life and property in Ireland was diminishing, and busying themselves in drawing up their resolutions and petitions on the subject of their alarms and grievances. These facts spoke volumes, and blew to atoms the petitions and resolutions got up at the meeting of the noble Lords. Perhaps it might be conceived that these returns only stated the comparison between this year and the last, which were both only a portion of the same Administration. He would, therefore, proceed to state to their Lordships a comparison between the present times and those happy days before the Emancipation Act, which one noble Earl opposite regretted that he had ever consented to part with, and which another would fain revive by strenuously opposing everything like a concession of equal rights to the Roman Catholics of Ireland. The returns of outrages for the year 1830—31, gave 16,108 cases, whilst those for the year 1836—7 were only 9,628. It would thus appear that a comparison between the present times and those times of "glorious and immortal memory," before the Catholic Emancipation Act was granted, gave a clear diminution of no less than 7,000 on the latter period. He understood that a return had been moved for in the other House of all the offences which had been reported for each year during some years back, and he confidently anticipated that when that return was produced, it would exhibit a decided diminution of offences in the years subsequent to the passing of the Emancipation Act, from those in the years immediately preceding or accompanying that measure. With respect to the framers of these resolutions, he perfectly agreed with his noble Friend near him, that a great deal of allowance ought to be made for men who, finding their party superiority impaired by the Catholic Relief measure, and finding themselves deprived, in some measure of that exclusive possession of offices to which they had so long considered themselves entitled, were induced to make numerous though unfounded complaints of the management of affairs, because they experienced unpleasant reverses. But when he found such groundless and extravagant statements put forward as were contained in these resolutions—when he found it gravely stated, that the Protestants of Ireland were "labouring under the fiercest persecution"—that was the term used—the fiercest persecution ever levelled at any set of men—that they were deprived of all their rights and privileges as subjects, he must be allowed to say, that such statements excited no sympathy in his breast, and he hardly thought that they would meet with much from any considerable body of men in this country. He could not help calling to mind on this subject an anecdote related of Charles 2nd, who, conversing one day with an eminent prelate, and also a great wit of those days, which did not render him the less eligible as his Majesty's adviser in matters of religion, inquired of the tenets of the various religious sects in the world; and, after passing several in review, as the Presbyterians, the Calvinists, and so forth, asked of the Armenians, "And what do they hold?" To which the Bishop (Morley) replied, "Sire, they hold all the best bishoprics and deaneries in the kingdom." Now, this was the case of the Protestants of Ireland, and he was quite willing that it should be so. He was quite willing that they should hold all the best property in the State; he was quite willing that they should engross office at the rate of two or even three to one of Catholics; but, at the same time, he thought it rather unfair, that because they did not happen to engross all and every one of those offices, they should complain to Parliament and to Government as injured men, and interfere to prevent passing into a law a measure of equal justice to their Roman Catholic fellow subjects. He could go into the details of the number of offices filled up by the present Government, from which it would appear that what he asserted generally was quite true, that Protestants had been appointed instead of Catholics at the rate of two or three to one, but such a statement was not necessary. This being, however, the state of the case, he said, that the Protestants of Ireland had no ground for the accusation comprised in the petition and resolutions before their Lordships. If those who framed them were sincerely persuaded of the opinions which they conveyed, and of the justness of the charges which they comprised, why, then, in the name of justice, and of that Constitution which they pretended to respect, they ought not to have stopped at these resolutions. These charges were either charges of a very serious and important nature, deeply impeaching the character of one of the highest officers of the State, or they were nothing, or rather, as he (Lord Lansdowne) was inclined to say, something worse than nothing. Let them put Lord Mulgrave on his trial for defeating the ends of justice, and then he would say, God send him a good deliverance, which he was sure he would have.

The Duke of *Wellington* said, I always had the greatest disinclination to take a part in the discussion of such questions as the present, but under the circumstances of the case I feel myself called upon to offer a few observations to your Lordships. It has, my Lords, been always my wish, my sincerest wish, a wish which I have frequently stated to this House to see the Protestants of Ireland on the best possible terms with the Government, and to see that Government affording to them every protection in its power. It is my firm and decided conviction that the safety of this country—that the continuance of the Union, and the stability of the empire—are, in a great measure, if not entirely, dependent up n the good understanding existing between the Government of Ireland and the Protestant population of that country. I am also equally certain that safety for Protestant propery and Protestant person in Ireland must mainly depend upon the good understanding which exists between them and the Government. Matters can never by possibility go right without such an understanding. This, my Lords, was my opinion, expressed seven ears ago, and it is an opinion in which I am now even more and more confirmed. I am sorry to say that the proceedings of to-night are calculated to increase the irritation which exists in the Protestant mind in Ireland. My Lords, the noble Viscount admits that the Protestants of Ireland have great reason to feel hurt with their present position. He admits that they feel a certain sort of jealousy, and I must say that, having made this admission, the noble Viscount, instead of aggravating, should have done all in his power to conciliate the Protestants. He should endeavour to induce them to feel that they might rest secure of protection to their life and property from the Government, and that there was no fear of their being sacrificed to those who every day preach up sedition against the established institutions and Government of the country, and incite insurrection against Protestant person and property. My Lords, the Protestants of Ireland are 2,000,000, and of the property of the country nine-tenths are in their possession. They are the best educated and best conducted portion of the population. The province which is peculiarly theirs is as well cultivated and is in as good condition as any part of England and as a class they are well deserving of every possible favour and protection from Government. Now, my Lords, let us see whether the Protestants of Ireland have not reason to be jealous. Let us look at the transactions which have taken place for the last two years. Let us consider the attempts which have been made to compass the total destruction of tithe property. Look, my Lords, at the condition to which the Church is reduced. Let me ask your Lordships whether, looking at these various occurrences, whether the Protestants of Ireland have not reason to apprehend some latent intention of putting down the Protestant Established Church, and of substituting something else in its stead? My Lords, I have heard noble Lords on the opposite side talk of 1792. It was alluded to by the noble Viscount opposite, and the noble Viscount also alluded to the history of 1798. But, my Lords, let us look a little further back, let us look back to the letter of the Earl of Clarendon, and let us ask ourselves whether the Protestants of Ireland are not right in apprehending that they see some indications of the same description as those which exhibited themselves at that period. Do they not see the same description of power exercised over the present as was exercised over the Government of that period? My Lords, all the statements made by my noble Friend near me, by my noble Friend behind me, and by the noble Marquess who opened this debate, ought to have the greatest possible influences on the Protestant mind of the country. Your Lordships perfectly well know, that neither Protestant life nor Protestant property is secure in Ireland. In his Majesty's Speech from the Throne, Ireland was represented to be in a state of tranquillity. But every Gentleman from Ireland knew at the time that an Association existed in that country expressly established for the purposes of agitation. Now, my Lords, the Marquess Wellesley has told us, and his authority, my Lords, has been quoted in this House, that disturbance was the result of agitation, as certainly as any other cause followed any other effect. Consistently with that statement how could such an assertion as that in the King's Speech have been made, and yet, my Lords, it is in this very country in which an Association is established for the purposes of agitation that the Lord-lieutenant goes about from place to place, and, without any communication with the magistrates or with the judges of the land, releases in every county gaol which he visits a certain number of persons. My Lords, the Protestants of Ireland, have a deep and peculiar interest in the administration of the laws, and in the tranquillity of the country. They are in possession of the greater proportion of the property of the country. My Lords, in viewing these proceedings it must at least be admitted that this mode of releasing prisoners is without a precedent, or if there is a precedent, it is one of such rare occurrence as ought not to have been followed. My Lords, the power of the Lord-lieutenant, with respect to the exercise of the royal prerogative of mercy is one which should be used with great discretion, and certainly not in the manner in which lately it has been used in Ireland. Several of the persons thus released, were convicted of felony, I am not acquainted, my Lords, with the technicalities of the law, but I believe I am warranted in stating, that each of these persons thus released, ought to have a written document granting him his pardon. Without such document the person so released is liable to certain fines and forfeitures, and those pardons cannot be perfect, at least they are not perfect, by the old law, without such an instrument —and it is imperative on them to produce it to show that they have been released. Now, my Lords, the late releases made by the Lord-lieutenant of Ireland appear to have been made without the written documents, and merely upon verbal orders given to the gaolers. My Lords, again I say, the royal prerogative should not be exercised in that manner. Such an exercise of the prerogative of mercy is highly irregular, and well calculated to produce the most pernicious effects in the minds of the Protestants of Ireland. The noble Viscount and the noble Marquess opposite tell us that the Protestants ought not to expect any other result when the Roman Catholic Relief Bill was to be carried into full operation. My Lords, there is no person more inclined to carry that Bill into operation than I am, but I must confess that I never understood the measure as giving a warrant to the Government to deal with the person or the privileges of any man. The noble Marquess opposite, in replying to a noble Lord on this side of the House, argued on the Irish Municipal Bill. Now, my Lords, it might be very proper to introduce Roman Catholics into the Municipal Corporations of Ireland either under the Act of 1793, or the Act of 1828. I say it might have been proper to introduce them under either of those Acts, and I sincerely regret that some Roman Catholics—that a large proportion of them—were not introduced into the Corporations under each of these Acts soon after they had passed; but, my Lords, there is a difference between admitting Roman Catholics into existing Corporations, and framing a new system of Municipal Government, not for the purpose of admitting Roman Catholics conjointly with others, but to make over the municipalities exclusively and entirely to them. That, my Lords, is the real point at issue, as respects this municipal question. The noble Marquess was pleased to read some statements from police reports, with a view to show the state of crime in Ireland between this and former periods; but I should like to know what was the nature of the crime so reported, for that would make a material difference. My Lords, I have a document which may throw some light on the question. It is the charge of Baron Foster to the grand jury of the county of Tipperary at the opening of the last assizes. My Lords, it would be well to bear in mind, that Baron Foster made that charge in 1837, after the summer assizes of 1836:—

"Gentlemen, it is with deep regret that I lay before you the state of your calendar. It contains the names of 182 prisoners in custody for trial. This number does not include those who are out on bail. How many such there may be, I have no sufficient means of estimating, but I should suppose at least fifty. But it is not, however, the mere number of offences which constitutes the chief matter of regret—the nature of these offences presents a still more melancholy subject for consideration, consisting as they do almost wholly of the *majora crimina*.

"Of the entire number of 182 prisoners there is but one who stands charged with larceny, the crime which usually furnishes the chief employment for the Crown Court at our assizes.

"I speak of larceny below the degree of cattle stealing, of which there are, in fact, ten instances in the calendar. It must not, however, be from thence concluded that larceny is unusual in your county. I have obtained returns from the governor of the gaol, from whence it appears that since the last assizes 151 persons have been tried for the crime of larceny at your quarter sessions, which I should have supposed had in this county assumed exclusive cognizance of the offence, if it were not for the solitary exception of the one prisoner, who is now in gaol who is to be tried for that crime. For this the magistrates at sessions and the assistant barrister are entitled to our best thanks. The disposal of criminal business at the assizes would else keep the Court assembled for a length of time, which would be extremely inconvenient. But, in estimating the amount of offences within your county, we must not omit to advert to the extent of the committals—the mere number of the crimes which have been reserved for the assizes, might else tend only to mislead. I have therefore called for returns, by which it is ascertained that the real number of prisoners who have been committed to the gaol of Clonmel under criminal charges since the last assizes, is exactly 921; of these the number which now remain for trial is, as you have already heard, 182; 151 more have already been tried for larceny: of the remainder, 317 others have been tried for assaults and riots. I feel it right to add that no person committed for mere drunkenness is included in the number of 921. It remains for me to inform you in what manner the 182 prisoners now in custody stand charged. There are for murder and aiding to murder, sixty-three; conspiracy, five; manslaughter, six; shooting at persons, three. There are also for robbery of arms, six; assaults, five; cattle stealing, ten; rape, seven; administering unlawful oaths, four. Gentlemen, if a stranger were to contemplate this amount of crime appearing on a calendar at the commencement of our assizes, he might well look forward with awful interest to what might be expected at its conclusion; but a stranger could not be aware of the extent to which these offences are, under the actual condition of society in this country, unprosecuted, and, therefore, necessarily unpunished. It is not for me to predict what may be the result of those assizes which are only now commencing, but I may be permitted to say, in the way of illustration, that at the assizes in the city of Kilkenny, which have just been concluded, and from whence I have last come, there were upon the calendar of that very limited jurisdiction the crimes of murder, house burning, house breaking, robbery, and rape; and that, nevertheless, there was no trial whatever for murder, no trial for house burning, no trial for house breaking, no trial for robbery, and no trial for rape.

"This difference between the amount and prosecution is, however, in no degree attributable to official negligence. On the contrary, no officers can be more efficient or more sincerely desirous to perform their duty than those to whom these prosecutions are entrusted; but it is owing to the indisposition to give evidence, originating in a well-understood system of terror, which renders the administration of justice more or less difficult in various parts of Ireland, and which in some counties goes the length of compelling the Crown to depend almost exclusively either on the evidence of the police or on that of approvers about to be expatriated to the colonies, at the public expense, or on that of the relatives of the deceased in cases where their resentment gets the better of their prudence. In some parts of our country there is no room for this observation. In many of our counties the ends of justice are attainable with neither more nor less difficulty than in England; but this is not the case in others. I may be excused from the ungracious office of entering into a comparison as far as other counties are concerned; but I feel it my duty to assure you of the unwelcome truth, that in no other is the difficulty felt to be so great as in your county. Gentlemen, I need not endeavour to impress upon you how much these considerations enhance the importance of the duties which devolve upon you. I well know, from experience, that there is no grand jury more anxious for the due discharge of its most solemn functions than that of the county of Tipperary."

This document, my Lords, may serve as a set off to that produced by the noble Marquess. My Lords, I have but one observation more. I will ask your Lordships whether it were discreet in the Irish Government to select for judicial officers —to select for the prosecution of offenders —to select for the administration of justice—men who belong to the General Association of Ireland? Your Lordships will remember that those who belonged to the Association stood pledged to procure an overthrow of the laws which gave security to one species of property in Ireland—I mean the property in tithes. Government thought fit to put down the Orange Societies in Ireland; but before those societies were put down it was agreed on, that no person belonging to that body should be placed in any office under Government. My Lords, if I recollect right the men were put aside from the office of high sheriff, who were, in every other respect, exceedingly well qualified for the office for the administration of justice, and the execution of the law merely on the ground of their being Orangemen. This, my Lords, was done and no complaint was made. Now, my Lords, I ask, is it proper that men who are pledged to a systematic hostility to the laws of their country, and particularly to those laws which, by the most sacred ties, your Lordships are above all others bound to do all in your power to protect—is it fitting that those men should, above all others, be selected for the administration of justice. My Lords, I shall conclude by expressing my earnest hope that the result of this discussion will place the Government on the best possible terms with the Protestants of Ireland, and insure for them from the Government full and certain protection for their persons and property.

The Marquess of *Westmeath* regretted at that late period of the night to be under the necessity of troubling their Lordships with a few observations; but he could not allow some observations that were made by a noble Marquess on the other side of the House to pass without some remark. The noble Marquess said, that the Roman Catholic Emancipation Act could not be complete without they gave Ireland Municipal Reform. He could not agree in that. He wished it to be distinctly understood, that it never entered into the minds of the people of Ireland to ask for Corporate Reform. It was entirely the child of his Majesty's Ministers, for their own purposes. It was not required in that country, and was only calculated to keep up a state of disturbance, and not to produce any remedy for any of the grievances that affected and afflicted Ireland. It reminded him of the story of the friend of man and the needy knife grinder. The feelings of the friend of humanity were chiefly excited by a hole in a coat or a nether garment, but when he was asked for six-pence he gave a stone. Let them give the people of Ireland employment, and not a Municipal Reform Bill. It was bread they wanted. He would not shrink from bearing his share of the responsibility of pressing this petition. He had signed the petition because he was perfectly satisfied that the Protestants of Ireland were in a state of great insecurity as to life and property. The Protestants of Ireland were not now in as good a condition as the Roman Catholics were in before the Emancipation Act passed. The noble Marquess referred to the fact of certain prisoners having been discharged from the gaol of Mullingar whilst the gaoler was in a state of transition. [*Laughter, from the Ministerial benches.*] It might be a matter of mirth with the noble Lords opposite, but to him, and those who, like him, resided in Ireland, it was matter of serious reflection. It might be a very good joke to the noble Lords opposite, but he would repeat, that on the recommendation of this gaoler, while in a state of transition from sanity to insanity, nineteen persons were set at liberty, and those very persons were immediately afterwards imprisoned for new offences. This was the state of Ireland under his Majesty's present Government. His honest opinion was, that the industrious Protestants of Ireland sooner than see the continuance of this kind of Administration, would rather be subjected to the strongest species of despotism that would ensure security and certainty. The abuses of the Reform Bill in Ireland had made it almost impossible for Protestants who had honest opinions to venture to express them. If any man ventured to give an honest opinion, he was denounced as a Tory; and if he were willing to surrender the representation of the country and its institutions they were called Liberals. He supposed he was considered illiberal by those on the other side; but he could conscientiously, and on his honour, say, that if the measures of his Majesty's Government did not alarm him to the core of his heart he would give them his support; but they did alarm him, and for that reason he denounced them, and thought it his duty to tell what he knew of the state of Ireland, and he trusted he should always pursue the same course.

The Earl of *Fingall* regretted to be compelled to trespass on the House at that very late period of the evening, but as one of the Peers who had signed the protest to which so much allusion had been made, and as a person who, in his place in Parliament, gave a general support to the present Administration, he felt that he was bound to say a few words. With respect to the protest which he had signed, and which a noble Lord on the opposite side seemed to think he ought not to have signed, he begged leave to say, that he considered that, as a Peer—not of Parliament, for this was not a Parliamentary transaction—he was perfectly entitled to sign the protest. The object of that protest was not to prevent any meeting taking place in Dublin; the object was to record their opinions as dissenting from those of the noble Lords who called the meeting. When the protest was first spoken of, he was applied to as a Peer and a landed proprietor in Ireland to sign it. He replied to the noble Friend who made the application, that he would not sign the protest, that as his religious opinions were a matter of notoriety it would appear rather extraordinary if he signed the protest. The answer was, that there was nothing exclusive in the protest; and upon this statement he signed it. The protest stated, that those who signed it considered that the country was in a state of tranquillity, and he for one felt bound to sanction that opinion. Those noble Lords who were not connected with Ireland must consider it very strange to hear statements so totally contradictory with respect to the condition of that country. In his heart he believed that there was at that moment in Ireland a comparative degree of tranquillity. When he used the word "comparative" he meant to imply the absence of dangerous crimes arising out of combination and attended with violence. He regretted that the state of Ireland was not still more tranquil. He had never lent himself, nor had he ever endeavoured in any manner to kindle the flame of agitation in Ireland. There were two accusations brought against his Majesty's Government. The first was the exercise of their patronage in an improper manner; and the next chiefly related to the conduct of the Lord-lieutenant. As far as related to the abuses of patronage, he did not see that any fair objection could be made. There were in Ireland two powerful parties, call them by what names they pleased, either Whig and Tory, or Radical and Conservative, the fact of the existence of those two great political parties was undoubted, and there was a very material difference between them. One of them gave a very zealous and efficient support to the present Administration; the other gave an equally zealous, and a very uncompromising opposition. If the Administration could find amongst its supporters persons of character and of great abilities, was it not their duty to pay them some attention? Several papers had been read to show that the present Administration had disposed of its patronage more in favour of Roman Catholics than of Protestants. He had endeavoured to ascertain what places the present Administration of the Earl of Mulgrave had disposed of, and he found, that out of three judges, two were Protestants, and one, the Master of the Rolls, was a Catholic. Of the seven assistant-barristers appointed, four were Protestants, and three Catholics. Of six other law-officers, four were Protestants and two Catholics. Of the stipendiary magistrates—which was the largest branch of patronage—there were twenty-five appointed; and of these thirteen were Protestants, and twelve Catholics. Of the Commissioners of the Dublin police there were two appointed—a Protestant and a Catholic. Of inspectors of police there were four; three Protestants and one Catholic. This made a total of forty-seven officers connected with the administration of police who were appointed by the present Administration; and of these, twenty-seven were Protestants, and twenty Catholics. The noble Earl stated that a gentleman of the name of Smith had been recently appointed a stipendiary magistrate. He knew Mr. Smith, and knew him to have acted as a magistrate many years. That Mr. Smith was a member of the National Association he had no doubt, but he saw no reason why this should be made a ground of complaint against his appointment. With respect to the complaint about the remission of sentences by the Lord-lieutenant, he begged to say, that when the Lord-lieutenant was in the county of Meath he attended upon him. It was certainly true that the Lord-lieutenant did not call upon any country gentleman in the county, but he was bound also to say that there were not a great many of those gentlemen that had waited on his Excellency. The Lord-lieutenant was attended by all the officers connected with the gaol, and by the magistrates of the towns; he remained in the gaol two hours, and he could safely say that the Lord-lieutenant took great pains to investigate all the cases. He had also received a letter from a noble Lord, not a Member of that House, but who was Lord-lieutenant of the county of Wexford, in which he stated, that he had attended the Lord-lieutenant, and that his Excellency discharged no prisoner without a strict inquiry into the circumstances of his case. The noble Earl concluded by thanking the House for the patient hearing they had given him.

Lord *Cloncurry* begged to observe, that with respect to the persons who had been liberated there was not, he believed, one who had been guilty of felony. The great majority of those liberated consisted of persons who were confined under what was called the green-wax process, namely, poor persons who had become bail, and were unable to pay the penalty. During the whole period of the present Administration being in office they had not liberated more than one-third of those for whom application was made without full investigation. They were investigated by a reference to the judges or the chairman of the sessions. The one-third whose cases were not so referred were discharged upon the recommendation of the local authorities, or the governors of gaols. He had himself once made application for the discharge of a prisoner, but he was refused, as the charge against the prisoner was one of combination, a species of offence which the Lord-lieutenant had resolved not to pardon. As to the appointment of sheriffs, there were only seven out of the thirty-two whose names were not in the returns of the judges, and these were accounted for. The Roman Catholics had now for seven years past been eligible to this office, and yet, out of the 436 appointed, only forty-three were Roman Catholics. If the proportion of the population were taken it would be a sufficient excuse to the Government if they had thought proper to make the difference the other way. The Roman Catholics, having been relieved from the penal code, and put on a footing with the rest of his Majesty's subjects, sought for nothing but a free and entire confirmation of the promises held out in the year 1829. There was hardly anything so constantly harassing to the feelings of the Roman Catholics, and so offensive to them, as the exclusion from corporate offices. The Corporations of the towns in Ireland were in the hands of some great men in the neighbourhood, who became the patrons, and who filled all the offices with connexions of their own family. These offices made away with the property of the Corporations to the patrons, and thus the Corporations were left without funds. To reclaim this property was more the object of the Protestants than the Catholics, the latter being a rural population, whilst the population of the towns was in a great measure Protestant. With respect to the General Association, he knew no object which they had in view that was illegal but that of tithes, and they would be willing, he was convinced, to accept from the Legislature any just arrangement that could be made, and they would pay fully to the clergy what they were entitled to, but they resisted this until they should have some arrangement upon the subject of Corporate Reform. He hoped their Lordships would not disappoint these just expectations.

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HOUSE OF COMMONS,

Friday, April 28, 1837.

MINUTES.] Bills. Read a third time:—Judges Opinions.
Petitions presented. By Mr. W. ROCHE, from Roscommon, against Poor Relief (Ireland) Bill.

AFFAIRS OF CANADA.] On the motion for bringing up the Report of the Resolutions with respect to Canada,

Mr. *Grote* stated that his own opinion with respect to these resolutions remained unaltered, and he therefore continued to regret the decision to which the House had come; he should not, however, have troubled the House at all upon that occasion but for the unavoidable absence of his hon. and learned Friend (Mr. Roebuck), the Member for Bath, who was confined to his house by very severe indisposition. It was the intention of that hon. and learned Gentleman, if it had been possible for him to be present in the House, to have moved certain resolutions by way of amendment to those adopted by the Committee, for the purpose of recording his views upon the subject on the Journals of the House. He (Mr. Grote) held the resolutions framed by the hon. and learned Gentleman in his hand, and, without further comment begged to move them as an amendment upon the resolutions before the House.

Mr. *Hume* reiterated his protest against the resolutions of the noble Lord as unjust and tyrannical, and calculated to do a great deal of harm, by exciting the feelings of the colonists still more strongly against this country, instead of allaying their present well-founded discontent. He was confident that a time would come when the people of this country would look back upon the proceedings of the Government and the House of the present day with the same feelings of abhorrence that they now did to the proceedings which were adopted against our North American colonies in 1774 and 1775.

Mr. *Robinson* begged to remind the hon. Member for Middlesex, who undertook to speak so authoritatively the opinions of the Canadians, that the sentiments both of himself and the hon. and learned Member for Bath had been expressly repudiated by the Assembly of the Upper Province in Canada, and that that Assembly had disclaimed any connexion or communion with either of them.

Mr. *Cresset Pelham* was afraid that in generally assenting to the resolutions of the noble Lord he was, as a Member of the Lower House of Parliament, doing that which he should conceive the Crown had it in its power to do without the sanction of that House.

Amendment negatived. The Report agreed to.

It was ordered that the resolutions be communicated to the House of Lords in a conference.

COURT OF SESSION (SCOTLAND).] The Lord Advocate moved the further consideration of the Report on the Court of Session (Scotland) Bill.

Sir *W. Rae* objected to the appointment of an additional Clerk of Session, and to the selection of Mr. Napier, a gentleman whose time was occupied with the duties of a professorship, and with the editing of a review. Such a course was certainly little in accordance with the professions of a Government who boasted so loudly of the reductions which they had effected in the expenditure of the country, and the number of unnecessary offices which they had abolished.

Sir *G. Clerk* also complained of the uncalled for increase in the number of the clerks of the Court of Session, which was most inconsistent with the expressed determination of the Government to carry economy into every branch of the public service. The duties of the office might have been perfectly well discharged by one of the four clerks of session, and much unnecessary expense would have been saved.

Lord *J. Russell* said, that according to the information which he had received, it appeared that the clerks of the Jury Court had already sufficient occupation, and it was not desirable to diminish the number.

Sir *J. Graham* said, the question was, whether the duties of the office could not be discharged by gentlemen holding appointments in the law courts, who had no additional onerous functions to perform. The Jury Court had been abolished, and attached to it there were four clerks: 1,000*l.* a-year might have been saved to the public if the noble Lord had chosen one of those persons, who were quite competent to fill the situation, who were men of great experience and unimpeachable integrity. The noble Lord's explanation, he must say, was not satisfactory. After what had taken place, he would take upon himself to pronounce that in his humble judgment the matter could only be regarded as a Scotch job.

Bill to be printed.

POOR-LAW (IRELAND.)] The order of the Day for the second reading of the Irish Poor-law Bill was read.

Mr. *O'Connell:* I confess that it has been my most anxious wish to address the House upon this subject at the earliest possible period of the discussion. The regulations of the French Chamber would be more suited to my object than the rules and orders that prevail in this House. There the speakers are divided into those who speak for a measure, against a measure, and upon a measure. My intention was not to speak upon this measure. I am not for it. I do not think that it is likely to succeed. My own deliberate judgment is, that not only it will not succeed in mitigating the evils to be found in the present state of the poor of Ireland, but that its tendency will be to aggravate them much. Therefore I cannot advocate the measure. I do not mean to vote against it. I think it has now become inevitable, that we must have some measure of a Poor-law for Ireland. I yield to the necessity, while I regret it. There has been, for some time, an opinion prevailing in England, that a Poor-law in Ireland will prevent the evils arising from the emigration of the Irish labourer, and mitigate the misery of the English poor. Many men, too, in Ireland have taken up strong opinions lately in favour of a Poor-law, whose opinions formerly were in opposition to it. Several of the Catholic clergy too, are anxious for the measure. There are also many influential persons who heretofore imagined that political ameliorations would produce improvements in the state of the peasantry generally, and are now disposed to make this experiment. I confess that I am not decidedly opposed to it. It is, I know, an untried experiment. I am deeply convinced that Ireland never can obtain prosperity until she has a legislature of her own. That is my thorough, that is my decided conviction. The people are disposed to try whether that is a mistaken conviction: so am

I. I find it is impossible to have the people of England consider that the experiment has been fairly worked out, as long as that portion of the experiment which relates to Poor-laws is untried. For these reasons I yielded to this Bill. I do not mean to vote against it at any stage. I will not vote against it—if necessary, I shall vote for it. I repeat it, I yield to the necessity without being at all convinced. In looking to a measure of relief for the poor of Ireland, the first course for the House to pursue, is to understand the nature and extent of the distress that prevails there. The noble Lord who introduced this subject to the House, omitted that topic altogether. He made a speech, which was an extremely perspicuous one in all its details, and having the very best quality of a speech, it being impossible for any one who attended to it, not to understand the subject from one end to the other. But then he rather took for granted the distress than described it. It was not difficult for him to assume, that great distress prevails in Ireland. He entered into none of the details. He stated that there was overwhelming distress; but he did not at all trace out any of the causes that have produced the distress in that country. And yet it is impossible to find out the proper means for putting an end to the prevailing distress, unless the causes of that distress are first ascertained. I know how wearisome it must be to the House to enter into a subject of this description; but we are now making a new experiment in the administration of Irish affairs, and before we do so, we are bound deliberately to look to the causes—to trace them to higher sources than any that are immediately before our eyes. I do distinctly say, that this ought to be done, because I am convinced that it is my duty to trace the evil to its source. The poverty and distress that have prevailed in Ireland for ages in my opinion are owing to political causes. If any one remembers the nature of the Government in Ireland, this must beadmitted. I need not go far back. It is unnecessary for me to go farther back than the last century and a half; and, looking at that, no one can be surprised to find Ireland in the state that she is in. I allude merely to two heads of those which are called the penal laws. By two distinct branches of those laws, ignorance was enforced by Act of Parliament, and poverty was enacted. Such were the effects of the penal laws. I will mention the statutes. By the 7th William 3d., chap. iv., sec. 9, and 8th Anne, chap. iii., it was enacted, that no Roman Catholic should teach or have a school in Ireland. Such instruction of youth was prohibited. No Roman Catholic could be an usher in a Protestant school; it was an offence punishable by confinement until banishment. To teach a Catholic child was a felony punishable by death. The Catholics were prohibited from being educated. For any child receiving instruction there was a penalty of 10*l.* a-day, and when the penalty was two or three times incurred, then the parties were subjected to a *præmunire*—the forfeiture of goods and chattels. To send a child out of Ireland to be educated was a similar offence; to send it subsistence from Ireland was subjected to the same forfeiture; and, what was still more violent and unjust, even the child incurred a forfeiture. By these laws there was encouragement given to ignorance, and a prohibition imposed upon knowledge. I am not now to be told that these laws were part of ancient history—they were in full force when I was born. Another part of this code of laws prohibited the acquisition of property. No Roman Catholic could acquire property. He might, indeed, acquire it; but, if he did so, any Protestant had a right to come into a court of equity and say, " Such a man has, I know, purchased an estate—such a man is a Roman Catholic; give me his estate;" and it should be given to him. To take a lease beyond thirty-one years was prohibited; and even if within thirty-one years, and the tenant by his industry made the land one-third in value above the rent he paid for it, it could be transferred to a Protestant. These were laws that were in force for a full century. For a full century we had laws requiring the people to be ignorant, and punishing them for being industrious—laws that declared the acquisition of property criminal, and subjected it to forfeiture. For one century ignorance and poverty were enacted by law as only fit for the Irish people. The consequences of a system of that kind are still felt. Nobody can say that this is exaggeration. It has been said, you have to address yourself to the poverty and ignorance of Ireland; and we know that no ingredient can be so fatal in the history of a country—no greater impediment can be discovered to its improvement. When you see that you are at once shown the source from which such misery has flown. There are sufficient political causes for the present state of Ireland. I now wish to bring the attention of the House to the effect of some statistical facts with respect to Ireland. They may not, at first, appear to bear directly upon the question; but they afford the materials for thinking, and are likely to lead you to a just conclusion. These documents show you accurately the political economy of that country. First, then, as to the contrast between England and Ireland. In England there were 24,250,000 cultivated acres. In Ireland, the quantity of acres under cultivation is 14,600,000. The proportion is not more than two to one of cultivated acres. The agricultural labourers in Ireland are, 1,131,715; the number of agricultural labourers in England, is 1,055,982. This gives an excess to Ireland of 75,733 agricultural labourers The value of the agricultural produce of England is 150,000,000*l.*; the value of the agricultural produce of Ireland is 36,000,000*l.* The quantity of hands in Ireland is two to one as compared to England; the quantity of produce by England is four to one as compared with Ireland. England produces four times as much as Ireland, although she ought only, considering the fertility of the soil of Ireland, to produce twice as much. Agricultural produce is the source of wages to the labourer. In England the wages paid to the labourer is from 8*s.* to 10*s.*; in Ireland the wages paid is from 2*s.* to 2*s.* 6*d.* This shows that agricultural produce is the source of wages. Let it be recollected that this is the state of Ireland —this is the state of her agricultural produce, when she ought naturally to produce comparatively more than England, because the soil of Ireland is more fertile comparatively than that of England. If there was an equality of cultivation, Ireland would produce much more, according to its extent, than it now produces less. The diminution of its produce, that by which it is so much less than it ought to be, is to be attributed to the want of capital to be expended in cultivation—it is to be attributed to the poverty of the proprietors of the soil; it shows that there is a diminution where there ought to be an increase in the quantity. You are not to be surprised that there is not that capital. You perceive that there is not a sufficiency of capital to have that produce what it ought to be. It was not to be wondered at that such a country as this should be in such a state of destitution. In Ireland it appears that there are 585,000 heads of families in a state of destitution—persons who, for more than seven months in the year, are without employment. This is the number of the heads of families, and comprising on an average to each family, not less than 2,300,000 individuals. It has been said that destitution has been created by the undue bidding for land. The competition for land has been declared to be one of the great causes of the present destitution, and it has been said that if you could diminish that competition you would diminish the destitution. Accordingly, the Secretary to the Poor Law Commissioners has been publishing pamphlets and declaring that he has found out the secret of Irish destitution. All, he says, that is to be done, is to take away the demand for land, and that the moment you do so you will give relief—that by putting an end to the exorbitant rents now demanded you will afford relief to the destitute. See how little foundation there is for such an assertion. Because there are 585,000 heads of families in a state of destitution he would thus relieve them. Now there are not less than 567,441 of these persons who have not an inch of land; they, then, were not poor by reason of the competition for land; and he would only give relief to 17,000 heads of families that have land. Without, then, referring to a Poor law, there were 567,000 who had no land; these persons were to be swept away before they could come to the panacea to prevent the competition for land, and which could only affect 17,000 persons. I state these facts because they can be no longer disputed. I wish to show the state of society in Ireland. There is this overwhelming excess of agricultural labourers in this miserable state—there is this inferiority of agricultural produce — there is this attributable to the poverty of the landlord and the tenant equally. Let it be recollected, (although I have not the document here to prove it) that it has been calculated that the landlord receives 50*s.* in England for every 20*s.* that the Irish landlord gets. I have now presented facts to you to show the situation of the peasantry, and to prove to you that they are in the most extraordinary state of destitution. I have the evidence of this fact from every county in Ireland. I begin with the—

County Antrim.—"Doctor Forsyth observing a poor man's cabin blocked up on Sunday, he was induced to make inquiry, and found that he had not risen from his bed during the day, having nothing to eat."

"The Rev. Mr. Brennan states, it would make your blood run cold to hear the tales of woe and misery that are told me in my confessional—the hardships of the poor are beyond endurance."—First Report, p. 401.

County Westmeath.—"Instances have been known of persons having committed trifling offences for the purpose of being sent to prison, in order that they might obtain food and shelter."—First Report, p. 408.

County Clare.—"At all times of the year a large body of able-bodied men are out of work, but in summer there is the greatest scarcity of employment. The poor are then reduced to the greatest extremity, and are obliged to put up with just as much food as will keep life and soul together. Many is the man who thinks himself well off at that time with one meal a day."

"The following case gives an idea of the distress to which these poor women are reduced when the cholera hospital was established. Notwithstanding the dread which was entertained of the disease, three poor widows feigned sickness to get admittance."—First Report.

County Londonderry.—"The widows are frequently reduced, with their children, to six pounds of potatoes a day. Spinning is the only employment to which they can have recourse."—First Report.

The habits are as follows:—

"Two or three families occupy one room. We have found four families in a room; in one corner a woman who had just been delivered, lying on a little straw; no other straw in the room."—First Report.

County Antrim.—"Many cases of death arise from starvation."

County Cork.—"Doctor Fitzgibbon is disposed to attribute much of the disease, which is at all times prevalent, to the use of bad food, and to the miserable state of the poor as to bedding and bed clothes. He has often found sick persons lying with a little damp straw between them and the ground."—First Report, p. 323.

"The huts that labouring people live in are often such that they have scarcely a place to lie on, on account of the rain."

"In point of clothing the state of a great portion of the labouring class is very wretched. The clothes, or rather rags, of many labouring men are utterly insufficient to protect them from the cold; many have no blankets, but make use of the clothes they wear during the day for the night covering."

The hon. Member next referred to a return from the county Carlow, showing the destitution of the small class of farmers, and observed, that it was intended by an Act of Parliament, to tax that class of persons, and make them pay poor-rates. He next referred to the—

County Mayo.—"Numberless instances were known of families, being unable to procure straw, cutting rushes for beds; still more, that for want of bed clothes they lie in the clothes they wear by day. Independent of rain from the roof, they cannot but be damp from their situation, as the most valueless (that is, swampy) piece of land is always selected to build them on, for fear of wasting any that might be profitable."—First Report, p. 292.

"The Rev. Mr. Hughes mentions a case in which he was called on, about three months ago, to administer the rites of religion. The family had been attacked by the fever: he found the father and four out of the five children sick, and altogether on one bed of moist rotten straw: their only covering a single fold of what is called a poverty blanket, half wool and half tow."—First Report, p. 292.

"In the parish of Burrishoole, in a population of 10,553, 3,931 were men and women destitute of necessary raiment; 9,553 of the total population were lying at the best on straw; and of those 7,070 were on the cabin floors."—First Report, p. 375.

"In the parish of Kilmore Erris (Mr. Lyons says), according to a census which I made, there were 751 men who had no shoes; and out of a population of 9,000, 3,136 persons, male and female, who within five years had not purchased any article of clothing. According to the same census, of 1,648 families in the parish 388 have two blankets each; 1,011 have one blanket each; and 299 have no blankets at all. You may well be surprised at this; it surprised myself, although many years resident as parish priest."—First Report, p. 386.

Now look to the effect of a Poor-law in one parish of the county of Mayo, the parish of Burrishoole:—

"Statement showing the Acreable Extent, the Population, distinguishing the number without employment, and those unable to work, and the Rental and Tithes of the Parish of Burrishoole, County of Mayo, deduced from the evidence in the First Report of Commission of Poor Inquiry (Ireland), session 1835—(369) pages 375-6.

ACREABLE EXTENT.

Number of acres of arable and pasture land	16,000
Number of acres of reclaimable mountain and pasture land	15,000
Number of acres of irreclaimable land	15,000
Total Number of acres ..	46,000

POPULATION.

Number of persons capable of labour without employment seven months in the year, 7,078.

Number of persons destitute and unable to work, 434.

Population in 1834, 10,534.

RENTAL AND TITHES.

Rental.—Amount paid to absentees or mortgagees	£4,796
——— Amount paid to the resident landed proprietors..	2,176
Amount of tithes as compounded ..	350
Total amount of rental and tithes	£7,322

"Estimates and Inferences drawn from the foregoing Statement, assuming that relief was to be entirely drawn from the land, and that at the lowest possible calculation, without reference to the expense of workhouse, or management, &c.

ESTIMATES.

"Of the amount it would annually take to provide support for the destitute unable to work, at 2½*d.* per head per diem, 1,953*l.*, or more than one-fourth of the rental and tithes.

"Of the amount it would annually take to provide for the persons left without employment seven months in the year, at 3*d.* per head per diem, 18,579*l.*

"Of the amount it would annually take to provide for both classes, those destitute and unable to work, and those seven months in the year out of employment, 20,532*l.*, or nearly treble the rental and tithes.

INFERENCES.

"Proportion per acre on the cultivated land it would annually take to provide for the destitute unable to work, 2*s.* 5*d.*

"Proportion per acre on the cultivated land and that reclaimable it would annually take to relieve both classes, 13*s.*

"Proportion per acre on the cultivated land it would annually take to relieve both classes, those unable to work, and those seven months in the year out of employment, 25*s.* 7*d.*"

I mean to read but one other statement. I assure the House I am confining myself to a few of the many extracts I have made upon this subject:—

COUNTY LONGFORD.—"Those who have a plot of early potatoes dig them before they are half grown; they often have dug them out when they ought to be beginning to ripen: eating these unripe potatoes causes sickness; many men are put to their graves by this bad food; they are pounded with salt and vegetables, to give them a substantial body, otherwise they could not be eaten, they are so wet and tasteless; they are soft as mushrooms."—See First Report.

COUNTY KILDARE.—"It is matter of frequent occurrence to find able-bodied persons committing offences for the purpose of being sent to gaol, and of getting food and shelter there."—First Report, p. 400.

"There are at least 200 families without straw to lie on, and without any potatoe-ground, and, as they get little employment, it is a miracle how they live."

COUNTY TIPPERARY.—"The poor have been known to live on phrarragh (yellow-weed), or on unripe cabbages or potatoes. Even in ordinary seasons no small number of labouring men are compelled to allow their wives and children to have recourse to begging."—Report, p. 453.

I suppose there is not a civilised country in the world, except Ireland, where such details of misery are to be found. It is heart-rending. It is so extensive as to be almost incredible. But let it be recollected —let the House remember—that this evidence has been collected by gentlemen of intelligence and humanity; that the Lord Archbishop of Dublin, that the Roman Catholic Archbishop of Dublin, that Mr. Blake aided by a number of assistant Commissioners, vouch for the accuracy of those statements, which underwent investigation on the spot. There was a Report published in 1830—see what a description it gave— the report on the state of the poor of Ireland in 1830. Like the report of 1830, Mr. Nicholls, who paid a flying visit to Ireland, reported that there were great and encouraging prospects of the happiness and comfort of the Irish. The report of 1830 stated it was gratifying to them to notice the progress of improvement. Mr. Mahony declared that "the state of the peasantry was improving very rapidly," and that "the peasantry were now better clothed than formerly." Then there was Mr. Wayne, of the Woods and Forests, who said that every corner in Ireland was rapidly increasing in prosperity. There was, too, Mr. Wigans, an English land agent, stating that there was very great, improvement in Ireland within the last twenty-two years. He stated that he conceived there was even an improvement in the morality of the people! This was the evidence in 1830; but I have been reading for you the evidence in 1835. There you find that these prospects of improvement all end in this miserable display of wretchedness! I assure the House I have shrunk from half the selections I have read. The Report says, that the population is increasing rapidly. I know that it is generally believed that the increase in the Irish population is greater than in that of the English. The fact is not so. The population increases more rapidly in England than in Ireland. The ratio of increase from the year 1821 to 1831 in England has been 16 per cent, in Ireland, in the same period, it has been 13 per cent. This ratio shows that it is totally false that the great increase in the population can be made fairly accountable for the distress that exists. You see the pictures of misery that Ireland presents—you behold it in its present condition — that condition is attributable to the most frightful code which a Satanic imagination could have invented. That is the condition of a country blessed by nature with fertility, but sterile from want of cultivation, and whose inhabitants stalk through the land miserable wretches, enduring the extreme of destitution and of misery, living upon bad potatoes, feeding upon wild weeds seasoned with some salt, with no blankets to cover them, no beds to lie upon, nothing to shelter them from the rain, exposed to the worst ills of life, and without any of its consolations. Did we govern ourselves? Who did this? You. Englishmen, I say you did it. I say that the domination of England did this. You—you cannot accuse us. This horrible poverty is all your doing. It is the result of your policy and your system of Government in that country. The blessings of Providence to Ireland are superior perhaps to those bestowed upon any other country. Recollect her navigable rivers—recollect the extent of her harbours — recollect her situation for commerce; then add to that her fertility, and then regard her wretchedness; it is not an imaginary picture — it is taken on the spot, the portrait is painted from living subjects. This, then, is the natural consequence of your rule. Agricultural produce has been comparatively decreasing — the number of labourers comparatively increasing. There is a great debt due to Ireland. I have no hesitation in saying that the real remedy which the Irish people have to look for is self-government. In the discussion of that question I had to encounter columns after columns of figures which were displayed against me. They were commented upon to show the increase of wealth in Ireland. What now becomes of the columns of figures contrasted with the evidence of the Poor-law Commissioners? They remark at once—political causes have reduced the country to its present condition. I come not here to make a polemical or political speech. I wish only to state facts—to trace the causes of misery and destitution that are unequalled on the face of the globe. To be sure, it may be said, that I am making a case for a Poor-law. Certainly I am for a provision for the poor, and affording to them relief; but whether that is to be by a Poor-law is another question. I am here making a case to interest your humanity; I am here making a case to excite your compassion and to afford every possible stimulant to assist me in taking Ireland from the situation in which you have placed it. You know now what is the condition of Ireland at present. It is crying out for a remedy. I ask you for the remedy. What remedy do you propose? We require some remedy. It is admitted upon every hand that the case calls for a remedy. What do you propose? You gave 20,000,000*l* to the negroes or to their masters. Will you give 20,000,000*l*. to the Irish? Twenty millions would do a great deal. Will you give a grant, or send money over to Ireland, or will you give an annuity or the twenty millions? Will you give 600,000*l*. a-year, and apply it to the benefit of the Irish people? No; but you come out upon me, and say, if you have your five shillings in one pocket, we will give a shilling out of one pocket, and put it into the other, in order that, according to the proverb, you may not say you are poor, having "money in both pockets." You say to us, we will give you leave to tax yourselves. This is the mode in which you will relieve our misery and distress. The Carlow farmer, who is dying from not being able to have a refreshing draught to wet his lips in fever—that man is to be taxed: you will compel him to give relief to support wretches who are not perhaps half as miserable as he is himself. I believe that you ought to bethink yourselves whether or not you will give to Ireland some annuity. Will you form a proper system of emigration. Emigration is now going on. The noble Lord has very properly remarked that the expense of emigration is now defrayed by emigrants themselves, and that, if the system were altered, those persons would not go without assistance from Government. Why not take the waste lands of Canada? Why not dispose of them in such a way as to promote an effectual emigration? Why not take the colonial waste lands as the American Government does? Why not make them a fund? Nobody would miss them: such a step might perhaps put an end (to a certain extent) of the Land Company; but it would enrich the Canadian people by sending out to them great numbers of healthy, able-bodied labourers. There would be something in that: but you do not talk of doing it. What is it that you propose to do? Do you mean to give u public works? I know the noble Lord told us, that no permanent good could result from public works undertaken merely for the purpose of giving employment for the time. I admit that; but are there no public works of a different description that might be undertaken? Read the Report, and then tell me whether there are not public works from the undertaking of which there might not follow an increase of revenue and of national prosperity. I do not propose to dig holes one day and fill them up the next, as was once proposed by a celebrated statesman in this House. I propose works of public utility. I propose the construction of roads and means of communication through mountains and bogs. I propose the drainage of lands where the capital required goes beyond the means of individuals to supply. My hon. Friend near me suggests the opening of the Shannon. Perhaps that might come within the works I should propose. But you have nothing for me except this Bill. I have already shown you that it is not competition for land that makes the misery of Ireland. Then what is it that causes the distress and wretchedness of the country, and of what value is this Bill to remove them? I will not now canvass any of its details, which may be more suited for discussion in Committee. I take only its great principles. In the first place, it is founded upon Mr. Nicholls's report. Ought any Act of Parliament to be founded on that man's report? I find it impossible to speak of that report in the terms one ought to use in this House. It is impossible, with due regard to the decorum of Parliament to speak of it in terms of execration in which it ought to be held. What did Mr. Nicholls do? On the 22nd of August, being in London, he fits himself out for his Irish expedition, deliberately takes his way to Ireland, and by the 15th of November has prepared his report, and safely returned to London. This report is drawn up entirely from his own observation; for, with contemptuous indifference, Mr. Nicholls cast aside altogether all the information that could have been afforded by the Poor-law Commissioners who had been sitting upon the subject of Poor-laws in Ireland. Mr. Nicholls having spent rather more than two months in his survey of the state of Ireland, certainly begins his report in rather a comical manner; for, says he, remembering of course the weary period he had engrossed in the service, "it is only by personal inspection that the state of Ireland can possibly be known." After a personal inspection of six or eight weeks, Mr. Nicholls actually advances an opinion that Irish women were chaste! Of a truth, he must be a mighty keen observer; but I agree with him that it is by personal inspection only that Ireland can be known; though it would perhaps have been well if the personal inspection of Mr. Nicholls had been carried somewhat further before he cast aside from him as wholly unworthy of observation or regard the Report of the Irish Poor-law Commissioners. I have inquired a little of Mr. Nicholls's mode of proceedings whilst he was in Ireland; and I understand that although several of the Commissioners were resident in Dublin during the time he was there, he only thought it worth while to seek out one of them, Mr. Vignolles, upon whose experience and understanding he might certainly have put implicit faith. Disregarding, however, any information he might have received from that gentleman, Mr. Nicholls decides upon establishing in Ireland one hundred Poor-houses. That is the scheme to relieve Ireland from all her distress and all her misery—one hundred workhouses! I will canvass this scheme a little more particularly presently. Mr. Nicholls, with his one hundred workhouses, talks of giving relief to 80,000 persons. Now, you will recollect that the Irish Poor-law Commissioners reported that there were 385,000 heads of families in Ireland without one single acre of land amongst them. Mr. Nicholls proposes to relieve this mass of poverty by boxing up 80,000 poor persons in a hundred poor-houses. Is not this preposterous? Is it not much worse than preposterous? I will not insult the good sense of the House by dwelling upon it; I will not pursue Mr. Nicholls through all the absurdities of his scheme, but I will call the attention of the House to the charities that now exist in Ireland, and, comparing the number and extent of these charities with the misery that exists with them, and in spite of them, I will then ask the House how far the confinement of 80,000 poor persons in a 100 workhouses is likely to alleviate the sufferings of my unhappy and destitute countrymen? In the city of Dublin alone the sums annually granted by this House towards the support of charitable institutions amount to 44,450*l.* There are, bebesides, a number of other charities supported by private subscriptions, of which the annual amount is 29,360*l.* 19*s.* 10*d.*; and beyond these there is another series of charities, the amount of which, in pounds, shillings and pence, has not been exactly ascertained; but including all the sums distributed by the sisters of mercy and sisters of charity in Dublin, the annual amount cannot be less than 30,000*l.* So that in the city of Dublin alone the sums given in charity by Parliament, by private subscription, by collections at Protestant churches and Catholic chapels, by religious and charitable societies, amounts in the aggregate to 103,800*l.* per annum. And, with all this, is the destitution of the people relieved? Is there no misery—no wretchedness in Dublin? Is there a city in the world where there is so much wretchedness, or so much misery? Then, if 103,800*l.* a year be insufficient to relieve the distress of one city, how can it be supposed that 312,000*l.* the estimated expense of the 100 workhouses, will be sufficient to relieve the distress of the whole country; recollecting, too, how many sources of private charity will be dried up the moment a general measure of this kind is passed? I will put this fact in another point of view. I have in my hand the statistics of the medical charities of Ireland. It seems that there are in the provinces 482 dispensaries, sixty-seven fever hospitals, thirty-six county and city infirmaries, eleven district lunatic asylums, including that at Cork, and in Dublin, eight infirmaries and six hospitals, making a total of 610 establishments for the distribution of medical charity in Ireland, supported at an annual expense of 164,994*l.* This is equal to one-half of the sum calculated by Mr. Nicholls as the annual amount of the money to be distributed under the provisions of the Bill now before us. The average number of persons admitted into the infirmaries and fever hospitals in Ireland amounts to 40,000, and the expense as I have already stated amounts to 164,994*l.* a year. Do you suppose by doubling the number of persons to be relieved, and the sums to be employed for that purpose, that you will include all who stand in need of relief in Ireland, or that you will have sufficient pecuniary means to remove all the distress of that country? Stopping the sources of individual charity, do you suppose that by simply doubling the amount now expended in medical charities, you will be increasing to the people of Ireland the aids they at present receive. Have I not described to you the distress that exists everywhere in Ireland? Have I not at the same time given you the amount of the charities that are maintained in that country? Have I not shown that upwards of 250,000*l.* a year are annually expended in charitable institutions and medical establishments? What, then, becomes of Mr. Nicholls's calculation that 312,000*l.* a year is to do everything for Ireland? It is a dream—a wild dream—312,000*l.* a year will do nothing. I tell you that this law must be confiscation or nothing. Make your minds up to that—make the experiment if you please; but prepare to take the consequences. I should mention, that Mr. Nicholls put in a postscript to his report. It is said, that the material part of a lady's letter is generally to be found in the postscript. Mr. Nicholls, being a man of gallantry, thinks this, I suppose, a proper mode of following the example of the ladies, and accordingly he puts in his most important calculations by way of postscript. "The population of Ireland," says he, "being about 8,000,000, I assume that workhouse accommodation may occasionally be required for one per cent., or 80,000 persons," and then in a foot note he remarks, by way of illustrating his proposition, that "in Kent, Sussex, Oxford, and Berks, the amount of in-door pauperism, as returned on the 29th of September last, was just one per cent. on the population. These four counties were among the most highly pauperised, have been longest under the operation of the new law, and are provided with most effective workhouse accommodation." Yes, one per cent of the population are relieved in the workhouses; but Mr. Nicholls forgets how many are relieved out of the workhouses—he omits that altogether—he totally forgets it; and it is upon this man's report that you are going to act—upon such a report you propose to Legislate for the relief of a nation. Would it not be wise to pause? Before you proceed would it not be wise and well to ascertain the correctness of the grounds on which you are required to act? I have in my hand a calculation of the amount of in-door and out-door relief afforded in the four English counties mentioned by Mr. Nicholls. I have heard the amount of that relief rated much higher; but I will confine myself to the statements contained in the document before me. It will be recollected that Kent, Sussex, Oxford, and Berks are the counties which Mr. Nicholls describes as having been longest under the operation of the new law, and provided with the most effective workhouse accommodation. Well, then, the calculation I hold in my hand demonstrates clearly that instead of one per cent. on the entire population, as calculated by Mr. Nicholls, the proportion relieved in-doors and out of doors is five per cent.; and therefore proceeding on Mr. Nicholls's own data, it follows, that not one hundred, but five hundred, workhouses would be required; that 400,000 persons, and not 80,000 persons, must be accommodated; and that the amount of the annual charge must be 1,560,000*l.* instead of 312,000*l.* Will the House be content to proceed upon calculations which I prove to be so grossly fallacious? But why does Mr. Nicholls make the workhouses the test of destitution? What the noble Lord (Lord J. Russell) stated was, that the able-bodied poor were to be relieved in Ireland, and that the Bill should not be limited, as the Irish Poor-law Commissioners had suggested, to the relief of the sick and maimed alone; and then the noble Lord, applying Mr. Nicholls's test, said, "It will be a proof of destitution—of such destitution as demands relief—if they go into the workhouses we propose to establish?" Do you then want proof of destitution in Ireland? Is the wretchedness of the people a matter of doubt? Do you require proofs, such proofs as these, that they are starving? Such language sounds strangely indeed on the ears of those who know anything of Ireland. But in England it was said that the Poor-law system was so defective that until the new law was adopted nobody could dream of introducing it into Ireland. What did the Poor-law system produce in England? It produced laziness, dissipation, want of care; it took away habits of thriftiness and industry, it engendered profligacy, and made men destitute from their own incaution; it produced all these consequences in England. They became at length intolerable, and you said, "We will redress them, and in order that we may find out who are really destitute we will adopt a test which none but the destitute will abide; we will separate the idle and vicious from the honest and industrious; we will relieve those only who stand the test we apply to them." Accordingly a sort of prison discipline was invented for the government of all the English workhouses; a discipline, no doubt, to which none but the really destitute would be willing to submit. But do the Irish people require any stimulant of that kind to keep them from idleness or to induce them to work? Does even Mr. Nicholls say, that the Irish people are idle and will not work? Is there any people on the face of the earth so anxious to procure wages by labour? Is there a civilised, or a cultivated, or a cultivatable spot in the wide world where Irishmen are not found performing the heaviest and most incessant labours? What works are there requiring great physical strength and unrelaxed exertion where Irishmen are not the chief labourers? Must you imprison them, then, to make them work? No, no! the people of England would never have required such a stimulant for their industry, if you had not first demoralised them by your Poor-laws; and till you have demoralised the people of Ireland, by the operation of a like system, you need not threaten them with imprisonment to make them work. The system of poor-houses, as proposed in this Bill, may hold out to the Irish landlords the delusive notion that there is an extent beyond which the rate for the relief of the poor will not go. Such a notion may for a time be entertained by the landlords, but it will be fallacious. It is, indeed, a delusion you are practising upon yourselves, if you think you can with such a paltry sum do anything for the substantial relief of the people of Ireland. I would implore you before you plunge into this Bill to consider this—by adopting such a measure do you deprive the people of Ireland of nothing? Do you take from the poor of Ireland nothing? Your Report shows that the Irish poor receive at present in alms an annual amount varying from 1,000,000*l.* to 1,500,000*l.* They do not receive it in coin, but in kind, and this is easy to the farmer who affords the relief. Has any farmer in Ireland told you that he would rather pay money than the produce of his land? No. Your humanity to the farmers is delusive—your inhumanity to the poor is obvious. You take away from them the 1,500,000*l.* of charity they have at present, but do you take away from them nothing else? Do you take away from them no kindly feeling? Do you know the evidences which have been given of strong filial and parental affection in the Irish? Have you read nothing of their habitual kindness and consideration for all of kin to them? I have a multitude of passages in my hand, extracted from the Report of the Commissioners—passages which do the greatest credit to the affections of the unfortunate Irish poor. They are in misery and distress; but their kindly feelings never freeze under the chill hand of poverty and destitution. There they are, the son supporting the mother, the daughter supporting her aged parents—nay, with the latter it is often a speculation to marry young that they may have a partner to assist them in the office of maintaining those who can no longer support themselves. There is not a higher testimony to the moral qualities of the Irish poor than the evidence that has been placed before us relative to their condition. Do you wish to take all these away? You know it is a very natural thing for a son to say, "Why should I diminish my own means to support my infirm father when there is the union workhouse to receive him? Why should I exhaust myself with labour to maintain my mother when there is the same refuge for her? Why should I assist my blind cousin, or lend a helping hand to my lame uncle, is there not the union workhouse to receive them? This is only a natural train of argument. You will deprive the Irish poor, therefore, of the charity they at present have,—you will extinguish in their bosoms those kindly feelings and generous emotions which are beyond all price, and you will reduce them to the same miserable and degraded condition out of which you are now seeking to raise a considerable proportion of your own agricultural poor. Again, then, I implore you to hesitate before you plunge into this measure. I have mentioned many reasons that should induce you to do so. Are there no others? In Ireland you have around the poorest and most destitute class a broad margin composed of men who are not actually paupers, but who are scarcely able, by dint of the strongest and most incessant exertions to eke out a livelihood. All these are for the future under the operation of this Bill to become rate-payers—every man rented at 5*l.* a-year is to become a rate-payer. This will include every man who at present just saves himself from begging. There are multitudes of this class. I would have you recollect, then, that when you are taking away from the beggar the charity he at present receives, you are at the same time taking from the small farmers the means that hitherto have prevented them from becoming beggars also. Is there not another consideration? What is it that supports the Irish labourer at present? What fund is there in Ireland for the payment of wages? There is not capital enough to pay for labour in Ireland. Do you want to take away part of the funds that now exist? Is not every shilling levied for poor-rates a shilling taken from the means of paying the wages of labour? By imposing a rate, therefore, you will destroy the inadequate means that even now exist for the payment of wages. But it is said (and this no doubt would be a great boon if it could be accomplished)—it is said, "a measure for the relief of the poor will tranquillise Ireland—there will be no more insurrectionary movements in the country when the people find that their wants are supplied." To accomplish that end you must carry your calculations much further than you propose to do by this Bill—you must go the full length of the 1,500,000*l.* of charity, which you will be putting aside if you hope to give permanent tranquillity to Ireland. I confess that the measure, as it now stands, does not appear to me to be calculated to give tranquillity to that country. How does it proceed? There is to be no parochial relief. All relief is to be given in the workhouses. Perhaps Mr. Nicholls, in his sagacity and wisdom, will make rules for the government of those houses. What will be the consequence? You will give to every man whom you refuse to relieve a cause for prædial agitation. The man you refuse is the very man to resent in the worst way the refusal; he will go to others, and induce them to adopt his quarrel: perhaps to avenge what he conceives to be his wrong. Thus, instead of tranquillising Ireland, you will only be giving to her people another source of discontent. Am I speaking imaginary things when I refer to the operation of a system of Poor-laws as a cause for prædial agitation? Was there not a period, and a recent one, when the rural districts of

England were nightly illumined by the torch of the rustic incendiary? Am I, then, speaking only of imaginary things when I say that this law, instead of affording a protection against prædial agitation, will become only a new source of irritation and exasperation. If it do not it will be only from the extreme extent of the relief you give. I conjure you to consider whether, to make your relief substantial and beneficial, you must not make it equal in amount to one-half, or, at any rate, one-third of the rent-roll of Ireland. If you enter upon this course of policy at all, you must not do it piece-meal—you must not dole out your charity in small driblets. Let it be as extensive as the evil, or do not attempt it all. This, too, must be recollected: in the introduction of Poor-laws into Ireland you do not propose to establish any law of settlement. Now Poor-laws have been recommended for Ireland as tending to make landlords careful of the tenants on their estates, because, not taking care of them upon their estates, they would have to support them by paying rates. But if you establish no law of settlement you will not affect the landlord in that way. It is the union and not the landlord who will have to pay for the support of the poor wherever they are found; and whatever the burthen upon the landlord, it will only be shared by him in common with his neighbours. Thus the inducement to the landlord to take care of his tenantry will be wholly lost, unless the Bill be accompanied by a law of settlement. Yet I am not asking for a law of settlement. I know the difficulties that would attend the introduction of such a measure. Mr. Nicholls, to be sure, thinks it would be easy enough, because, says he, there would be no difficulty in procuring a certificate of births from the clergyman. That applies only to the Protestants; but how are the Roman Catholics, whose priests succeed each other with great rapidity in almost every parish—especially those that are sickly—how are they to obtain certificates of their birth? I mention this only to show of what materials Mr. Nicholls's mind is composed, when he says it would be the easiest thing in the world to do this or that. I approve of not introducing a law of settlement into Ireland, because, though there may be a *prima facie* case in favour of the introduction of such a law, the Report of our own Poor-law Commissioners, as well as the experience of all foreign countries where a law of settlement obtains, proves that the effect of it is to enslave the paupers by tying them to the soil where they are born, and hunting them like rats if they venture to remove from it lest they should obtain a settlement elsewhere. Instances of this have been abundant enough in London, where women actually in labour have been trundled about from parish to parish by the overseers, each anxious to prevent the child from being dropped within the precincts over which he presided. A law of settlement cannot be introduced into Ireland; yet by not introducing it you prevent your Poor-laws from affording to the poor that security against the severity of the landlord which you say you are anxious to establish. There is another point for consideration. Any attempt to make labour productive by raising a poor-rate will be abortive and end in disappointment. A labour-rate has failed wherever it has been tried. I wish this to be fully understood before we proceed with the present measure. I have felt it to be my duty to spend a considerable portion of my time in reading every thing I could get on Poor-laws, foreign and domestic. Perhaps my inquiries have led me into error. If so I must certainly say, that I have adopted my errors upon the most deliberate consideration that my mind is capable of bestowing upon the subject. To me it seems that no proposition has been so fully demonstrated both by theory and practice as this: that you cannot make labour productive by means of any fund you may raise for the purpose, where that labour has not been rendered productive by the enterprise of private and individual speculation. In America the price of labour is 5*s*. or 6*s*. a day. The poor-houses are full. Why do they not send their paupers out to labour? Because it is found that slave labour nobody will buy. A man labouring upon compulsion takes a pick-axe and employs himself with it for half an hour, making a hole large enough perhaps to put in his finger. The Americans have now gone back from the old system of Poor-laws, and remedy the evils of poverty and distress, not by levying a poor-rate on the industrious, but by turning out the idle from their workhouses, and leaving them, if they like, to perish, which no man in America need do if he be willing to work. It is an idle dream to imagine, that you can produce productive labour through the agency of a poor-rate. Neither can you produce a paradise in the midst of a wilderness, by establishing colonies of the poor where there is an inch of fertility. The attempt has failed in Holland as well as in Belgium. No, you may give relief in poor-houses, but never endeavour (for it is vain) to make labour productive at the expense of any poor-rate whatever. I have addressed the House at great length, greater perhaps than I ought to have done, but I feel a deep concern in the question. I have shown a case of great misery and distress in Ireland. I have traced it to political causes. I think, before you introduce your Poor-law, it would be wise to see whether, by other political measures you may not do something for the good and prosperity of Ireland. I do not wish to introduce anything polemical into the discussion, but I ask you to pause and to consider, whether by other means you may not do more good to Ireland, and would conjure you in the first place to try the effect of an enlarged system of emigration. If you will not do that, I will implore you to go back to what is called the evidence of your forefathers; go back to the reigns of the Plantagenets and Tudors, when it was enacted, that every man having an estate in Ireland, and not living half the year there, should be liable to a fine of 6*s.* 8*d.* in the pound on the gross amount of his rent-roll. Come out with an absentee law, and give me 6*s.* 8*d.* in the pound on the rent-roll of all absentees. This may be called a dream, yet after all I believe it would give more permanent and more substantial relief to the poor of Ireland than your proposed Poor-laws. I know full well that some political economists have talked of absenteeism as not being a mischief to Ireland; but the doctrines of those men are now, I believe, derided by all. The nobleman whose rent-roll amounts to 50,000*l.* a year, in the course of twenty years draws 1,000,000*l.* from the resources of Ireland, no part of which he ever returns. To procure this sum for him all the corn, all the cattle reared upon the soil of which he is the lord must be sent to foreign markets. In the regular course of things the value of the corn and the cattle so exported should be brought back again. But it is not so in Ireland; no part of the price of her produce ever returns; and as well for these districts who had to support absentee landlords would it be if the ships which bore their produce from their shores sunk half channel over. This, after all, is the dreadful feature in the domestic economy of Ireland—nine-tenths of the rent-roll of the country are spent abroad. We have all the degradation and misery of a province, without the benefit of provincial protection. But I will trespass no further. I will close by saying, that I have a very strong conviction upon my mind, that you will find it as much in vain to attempt to create Act of Parliament charity in Ireland, as it has been to create Act of Parliament piety. I do not think you can generate virtues, and make them spread by Act of Parliament. I have certainly a strong impression, that a Poor-law has never done good to any country where it has been adopted. I make that avowal frankly. I look at the Poor-law in England: I see it reducing wages to half the amount they were before; yet I know that it has been introduced under the most favourable circumstances and in the most prosperous times—in the reign of Elizabeth, when the recent discovery of the western hemisphere opened a source of the most extensive and most wholesome emigration, and at the same time furnished the means of establishing a solid and secure currency in such quantities as the exchange of an active and enterprising people required. Yet the Poor-law of England, introduced under these favourable circumstances, arrived at length at such a pitch of abuse as to compel you, in spite of all the clamour and popular cry which even yet have not died away, to make a strong movement, and to repeal a considerable portion of that law. I do not hesitate to declare, then, that my own individual opinion is not favourable to a Poor-law; but least of all is it favourable to such a law as this which you propose to give to Ireland. I would only implore you, before the step is decisively taken, to have it fully, maturely, and deliberately considered in all its bearings—to give nothing to the unholy cry of those who hold themselves out as the especial patrons and friends of the poor because they are favourable to these laws. I entreat you to yield to no clamour of that kind, but fully and maturely to consider the Bill in every stage. Then, be the result what it may, I shall feel that I have done my duty. I have not (I own it) moral courage enough to oppose a Poor-law altogether. I yield to the necessity of doing something; but I am not deceitful enough to prophesy that you will reap any lasting or solid advantage from the introduction of such a law into Ireland.

Mr. *Sharman Crawford* agreed with the hon. and learned Member in his objection to the Bill now before the House, but he did not agree with him in the proposition that a Poor-law was not necessary for Ireland. He agreed with the hon. and learned Member, that England had been the cause of nearly all the evils under which Ireland laboured; but he would assert, that if there was one thing which had been more prominently the cause of those evils than another, it was the permitting the private appropriation and settlement of land in Ireland to take place without being accompanied by a Poor-law. It had been alleged, that a Poor-law was unjust, as it took the means and profits from the industrious man. Most certainly, he would never promote or permit (if he could prevent it) the enactment of a law calculated to produce such an effect. He considered the principle of a Poor-law was to make a provision against the injustice done to the poor man by the monopoly of the land. He knew that it was necessary to society that that monopoly should exist. Still the poor man must also exist; and as his existence depended on the produce of the earth, a Poor-law was essential where-ever a monopoly of the land was permitted. When they considered further, that the monopoly of the land was aggravated against the poor man by the operation of the Corn-laws, it was rendered more imperatively necessary that some measure of protection for him should be adopted. Neither a monopoly of the land, nor a Corn-law should be allowed, except protection were, either directly or indirectly, afforded to the poor man against the power of the landlord. If they did not directly interfere with the letting of the land, then they must indirectly interfere, by procuring that alternative which the well-being of the poor required. With regard to other species of property, money, for instance, the Legislature interfered and controlled the use of it. It determined that a man lending money should not charge an exorbitant interest for it, nor take advantage of the necessities of the borrower. Considering also the peculiar circumstances of Ireland, where the land was obtained by forfeiture and conquest, it became even still more imperative that protection should be afforded to the poor man. In all those parts of Ireland where the mass of the people were in a state of poverty, he believed it would be found that that poverty was traceable to the nature of the relation existing between landlord and tenant. It was indispensable, therefore, that any Poor-law to be introduced into that country should be so constructed that it might re-act upon the proprietors of the land, and make them feel an interest for those from whose labours they derived their property. From the moment that the landlords were made responsible for the welfare of those from whom their property was derived, the greatest cause of pauperism would be done away with. It had been alleged, that pauperism in Ireland arose from over-population; but the hon. and learned Member for Kilkenny had shown that this was not the case, and that the population did not exceed the proportion which the country could very easily maintain, if there did not exist other causes for the pauperised state of the people. Subdivision of farms had also been assigned as a cause of pauperism in Ireland; but in the county of Down the people were in a state of comfort and enjoyment superior to almost any other part of Ireland, and yet there was no county in Ireland where the farms were more subdivided than in the county of Down. Why was this? Because the relation that existed between landlord and tenant was upon a more kindly footing there than in any other part of Ireland. One reason why he objected to the Bill now before the House was, that it did not recognise the principle of settlement. Not being based on that principle, it entirely subverted the responsibility of the landlord. What would be the consequence if they were to determine upon granting relief without some description of settlement? They would give encouragement to wandering paupers all over Ireland; they would give a right of relief, without its being accompanied with any discretionary power to those who would have to dispense it, or without any proportion being observed between the amount of taxation to be levied and the number of the population in any particular district. He could not conceive a greater evil than such a system; and however anxious he might be to see a Poor-law in Ireland, yet he would much rather throw out the Bill altogether, than take it under the condition of establishing such a system. He also objected to the system of poor-house relief being made a *sine quâ non.* It might be necessary for a certain description of paupers, but for the great majority of paupers, or for that class who were the most difficult to be removed, and were at the same time the most numerous, if the poor-house system were conceded, it could not be rendered serviceable in practice. The great mass of poor persons in Ireland were the small holders and proprietors of land. If they were to compel the poor man to go from his holding into the workhouse, how could he ever make any exertions to improve his circumstances? His small farm must go into a state of desolation; and he could never after look to any means of advancement in the world. Such would be the result of having a Poor-law in Ireland without a law of settlement, and of having the relief of the poor confined, without any kind of discretion, to a system of relief in the workhouse. He also objected to the formation of large unions on the same principle that he had objected to the exclusion of a law of settlement, namely, because all responsibility would by that means be taken from the individual landed proprietors; it would discourage all exertion on their part to prevent pauperism, it would increase favouritism, and the amount of taxation in the unions. In short, he objected to the principle of unions, because it was attempting to apply the same system of relief to all parts of Ireland. This, he conceived, to be a very hopeless attempt. He thought the best way of dispensing relief in Ireland would be to allow the proprietors in each parish to elect guardians, and provide for their own poor according to the circumstances of each district. In that part of Ireland in which he resided, institutions were established for the relief of the poor, and those institutions were conducted with the greatest benefit to the district. The subscribers were also guardians, and they gave relief to the poor in the most beneficial way to them and in the most economical manner to the proprietors. Each of the poor was relieved at his own house at the rate of 3*l.* or 4*l.* a-year; how is it possible that the poor could live in the workhouse at so small a cost? It was alleged that they were to argue from the failure of the English system, that a system of relief not by means of workhouses, would fail in Ireland. But the system of relief, in England had failed not from the want of workhouses, but from other causes. It failed because the distribution of the rates was not left in the power of the rate-payers. If the rates were left to the disposal of the rate-payers, there would be but little danger of failure from that cause. Another important defect in the English system was the want of attention to the education of the people. If they were to educate the people at the same time that they relieved them, they would elevate their minds and improve their conduct in industry and forethought. But beyond these, there was another cause which greatly tended to the failure of the English system—namely, that the right to relief (as we understood the hon. Gentleman, who was, however, occasionally very indistinctly heard in the gallery, and what he said might have been, the rate of relief,) was too extensive. These were the chief causes of the failure of the English system, and not, as he had said before, the want of the workhouse system. The question before the House, he conceived, was not whether the poor of Ireland should have relief or not; not whether Ireland should have a Poor-law or not; but whether the Bill which they were now discussing was the proper measure to be adopted for that country. The hon. and learned Member for Kilkenny had described the distress and misery that existed in Ireland in the absence of a Poor-law. But had the hon. Member proposed any remedy? One only, extensively expatriating the poor. He confessed that was not the remedy which he looked for. He was willing to admit that emigration was highly useful in many ways; but he would assist the poor man to supply his wants in his own country, and not render his support by relief dependent upon any system of emigration. He would not, while conferring a small benefit, make it a conditional preliminary that the pauper should submit to what he might feel to be a great evil. Surely it was necessary that the state should take some means to rescue the population of Ireland from that distressed condition in which the hon. and learned Member had most justly described a large proportion of the Irish people to be at this moment placed. It was impossible that they could relieve themselves from their present position. So truly destitute were they of the common necessaries of decent clothing, that on the Lord's Day they were known to exchange dress with one another, in order that some might go to a place of worship in the morning, and others in the evening. Justice demanded that the state should relieve them from this unhappy condition. He was satisfied that a very small degree of relief, administered in the way he had proposed, would render the great mass of the people comparatively independent, who were now in a state of pauperism and misery. It was said that landlords were poor. He admitted it. But why were they so? If the landed proprietors would anticipate their means, and involve themselves in debt, was that any reason why the unfortunate and distressed poor of Ireland should be deprived of relief? The hon. and learned Member had talked of confiscation, but of that he was in no dread. If the landlords would take the proper means for improving their estates, they might afford relief to the people without any loss of property to themselves; on the contrary, the improved condition of the people would tend greatly to their own advantage and profit. But if the landlords could not by themselves adopt these means, then there ought to be some mode devised for enabling them to raise rates for that purpose. It was said, that the poor farmers would be taxed by the operation of a Poor-law Bill. No doubt they would; but did not those small farmers at the present moment bear all the burthen of relieving the poor according to the irregular system by which that relief was now administered? It was certainly intended to put a proportion of the tax upon the small occupiers, but still a larger proportion would be put upon the landlords. He considered that the tenant and the landlord should be taxed each according to his profitable interest in the land. The hon. and learned Member for Kilkenny had spoken of the benefit of a home Legislature as one of the means of improvement in Ireland. But surely the hon. and learned Member must recollect that while Ireland had her own Legislature no less than six attempts were made by the Irish Parliament to establish Poor-laws in that country. A Bill for that purpose was passed in the Irish Parliament in the year 1641, which afterwards received the royal assent, but the Bill was never promulgated. Mr. Peter Gale found the Bill among the records of the Court of Chancery in Ireland; and if that Bill were re-enacted at this moment, it would be, in his (Mr. S. Crawford's) opinion, a better measure than that which was now proposed. He objected, first, to a Poor-law without a law of settlement; he objected, in the next place, to limiting relief in the workhouses; he objected, thirdly, to the system of unions; and he objected to various other provisions of the Bill, to which, however, he would not then more particularly advert, as a more suitable time for doing so would be afforded him when the Bill should be committed. He objected, moreover, to the absolute power which was vested in the guardians; and to the whole being placed under the English Commissioners. He would not trespass longer on the time of the House than to say, that it was his intention, when the Bill went into Committee, to propose amendments of the nature of those objections. If by those amendments, or any others, that Bill should be rendered effective for giving relief to the poor of Ireland, he should then support it: but if, on the third reading, it should remain in its present state, he should then oppose it; because he believed that the passing of that Bill would be one of the greatest evils that could befal the country. Having been an advocate for a Poor-law for Ireland, he would not take upon himself the responsibility of producing that evil which he conceived would be inflicted on that country by the passing of a measure with such provisions as those contained in the Bill now before the House.

Mr. *Richards* was of opinion that the noble Lord was entitled to the thanks of the House and the country for introducing the measure now under discussion. The existence of deep and dire distress in Ireland was admitted by the hon. and learned Member for Kilkenny; and yet that hon. and learned Member declared that he was hostile to a Poor-law for Ireland. But the hon. and learned Member forgot that there was a Poor-law in that country already. The question therefore was—not whether Ireland should have a Poor-law or not—but whether that which now existed was the best that could be adopted; or whether the Legislature ought not to devise an amended and more useful measure. By the hon. and learned Member's own howing, no less than one million of money was administered yearly by the present irregular mode; a mode which, from its very nature, necessarily begot mendicancy and insecurity to life and property. The question, therefore, was, ought that system to be continued? The hon. and learned Member proposed that it should, and that Ireland should be left with that insufficient, that vicious Poor-law. But would the House place any confidence in a speech, however eloquent or however specious, that advocated such a Poor-law? The hon. and learned Gentleman had complained of the want of capital in Ireland. but so long as the present insecurity of life and property existed there, it was impossible that capital could flow into that country. But it was not the want of capital alone that the hon. and learned Member complained of, he also complained of absenteeism; but the main cause of absenteeism was likewise the want of security to person and property. He had received a pamphlet which had been sent to him, as he believed, by the hon. and learned Member for Kilkenny, and, if he was not mistaken, written by that hon. Gentleman, in which those principles were advocated which the hon. Member had that night put forth as to a system of Poor-laws drying up the kindly feelings of the people. He would ask whether in England, where they had had Poor-laws for so long a period, there was not as much kindly feeling, and as much given away in the shape of private charity as in any country in Europe? The hon. and learned Member, indeed, admitted that something must be done, as Ireland was in such a miserable condition; but he had not suggested any efficient remedy. He admitted that both the Catholic priesthood of Ireland, as well as the people, were in favour of a system of Poor-laws, and he also stated that he should vote for the Bill in all its stages, but he had delivered such a speech as was calculated to deter the House from proceeding with the Bill. He should now proceed to make some observations on the report of Mr. Nicholls, and the plan which had been founded on it. He did not deny that great mischief had resulted from the mal-administration of the Poor-laws in England, by giving an unrestricted power to the magistrates to order out-door relief; and there was no doubt but that the existence of these abuses had led to the introduction of the Poor-law Amendment Act. The state of Ireland, however, was essentially different from that of England, and required a totally different system of Poor-laws. The chief complaint in Ireland was the extensive system of mendicancy that prevailed there; he would not propose, with the view of getting rid of this, the adoption of a system of imprisonment. He was satisfied that the Irish people would have great reluctance to be confined in the workhouses, and be excluded from their friends and relations, and be subjected to a state of discipline which would be enforced in those buildings. Such a state of things he was sure would be odious to them. But the number and nature of the workhouses proposed under this Bill would not be nearly adequate to the wants of the people, and if they did not go into the workhouses they were to have no relief whatever. The workhouse system might be good in England, but it never could be extensively acted upon in Ireland without rendering the Parliament and Government of England odious to them. The system pursued in the Mendicity Society of Dublin was that which he should propose as the model for framing a system of Poor-laws for England. One of the regulations of that system was, that the house of the society should be open to all applicants during the day, and that no person should be refused work and relief who applied; but the work given was not of the most agreeable nature; there was, therefore, an inducement to remain there as short a time as possible. According to Mr. Nicholls's plan, the persons who took refuge in the workhouses, would be lodged, clothed, and fed there; but they would be permanently confined, and not allowed to go out and seek work. He should propose that instead of having a workhouse placed in every twenty miles square, one should be built in every square of eight miles, and that they should be open all the day for the reception of every destitute person who applied for relief; that work should be afforded at somewhat below the current rate of wages in the neighbourhood, and the inmates would then not stay there longer than they could help; and thus there would not be an injudicious interference with the market of labour. Mr. Nicholls's plan would probably destroy the market for labour, for it went to make men habitual paupers, to create paupers for their life, and would accustom those who would receive relief to live constantly in the workhouses. It was also an unnatural plan if it was the same as the English system of workhouses, for it would separate husbands and wives, and mothers from their children. Again, such a system of workhouses would be most expensive in a country like Ireland, and would cost infinitely more than adopting such a plan as was acted upon by the Mendicity Society of Dublin. This was also an entirely new system for Ireland, whereas the plan he had just alluded to was already extensively acted upon in Dublin, Limerick, Cork, and many other places. He had never met with any persons who administered the Poor-laws of England nearly so well as the managers of the mendicity institutions in Ireland conducted the affairs of their societies. He would not go into the question as to whether it was preferable to give out-door relief instead of resorting to the workhouse system, for that would be better done in Committee; but at the same time he must observe, that he thought that it would be rather desirable that the matter should be left to the discretion of the guardians of the poor or other superintendents of the working of the system. At the very outset of the present measure the people of Ireland were insulted; for they were told that they were not able to conduct their own affairs, as the whole management of the administration of the Poor-laws was to be left to the despotic power of three or four persons in London. This appeared to him to be a monstrous proposition, and, above all, coming as it did from the Government, who were constantly talking of the benefits of self-government and the blessings which institutions for that purpose would confer on Ireland. He denied that there was any necessity for interfering in this way in matters purely Irish. He knew many of the gentlemen who superintended the management of the affairs of the Dublin Mendicity Society, and without intending to speak with the slightest disrespect of the Poor-law Commissioners, he must say that the gentlemen he had just alluded to would much better understand the working of a system of Poor-laws, and would be better able to carry it into effect, than any persons residing in London. If his plan were acted on the doors of the asylums would be open during the whole day for the relief of destitute persons; if that were done, he was satisfied that peace would follow, and the consequence would be, that capital would flow into the country, and a better social system would ensue. In conclusion, he thanked the noble Lord for having taken the first step to introduce a system of Poor-laws into Ireland. This was doing much, however strong some of his objections to the present plan might be; he therefore gave the noble Lord credit for his intention. He trusted, however, that the Bill would be so remedied in Committee as to get rid of many of the objections which he had stated to it.

Mr. *William S. O'Brien* said, in listening to the speech of the learned Member for Kilkenny—a speech in which he has displayed even more than his usual ability, the House must have been much struck with the touching and affecting picture which he drew of the miseries and privations of the Irish poor. I wish it were in my power to say this picture was overdrawn; but although he concentrated your attention upon the gloomiest part and excluded from your view the brighter portions of the scene, I cannot call his statements exaggerated, because they contained nothing, which, from my own observation and experience I am not able to confirm. After this successful appeal to the sympathy and compassion of the House, in behalf of our poorer fellow-countrymen, one would have imagined that the very last conclusion at which he could have arrived, would have been that which he has endeavoured to induce you to adopt. Indescribably disastrous, he says, is the present condition of the Irish poor. In the next sentence, therefore, we might have expected to hear him declare, that no experiment could be tried which could aggravate their wretchedness—and that it was our bounden duty to recur to experiment after experiment, until we had redeemed our country from the stain and the reproach which the continuance of such a state of suffering humanity had deeply engraven upon its government and legislation. But no! He tells you that for the remedy of these evils you must look to the operation of political measures—measures which, if beyond question beneficial, and if conceded in the largest spirit of liberality, could not possibly work out the effect which he ascribes, and justly ascribes, to good government, in a less period than twenty or thirty years. Will the passing of the Municipal Reform Bill, or the Irish Tithe Bill—measures the importance and excellence of which no one feels more strongly than I do—will they feed the hungry and clothe the naked of the present generation? And when he speaks of emigration and an absentee tax, in opposition to a Poor Law, he seems to forget that the application of public money to enable the destitute labourer with his family to emigrate, is, *pro tanto*, a provision for the poor—and that an absentee tax applied to the wants of the poor, is nothing else than a very coercive Poor Law. Both these measures I would with him adopt. But it is against an assessment upon property in Ireland that the whole power of his persuasion is directed. He tells you that the Irish farmer is unable to bear taxation for the relief of the poor, yet in the same breath, he states, that the farmers of Ireland voluntarily tax themselves in private charity to the value of from one million to one million and a-half sterling every year, a tax which we propose should hereafter be shared between the occupier and the landlord, so that it shall no longer be allowed in Ireland, the poor alone shall support the poor, while the rich man and the absentee, and the uncharitable, contribute little or nothing to their relief. And he has omitted to observe, that the million thus given away by the poorer and middling classes in Ireland is for the most part spent not only unprofitably, but injuriously to society—that it is given not more often to the real objects of compassion than to the idle, sturdy vagrant, who vends his blessings for halfpence and for potatoes, and who leaves his curses upon those who refuse them; and next he calls upon us to beware how we impair the kindly feelings which at present exist in Ireland between the poor towards each other, as if there were not field enough for human sympathies, without interfering with the duty of society and the province of legislation. It is quite true that there is no people so remarkably distinguished as the Irish are for the tender and kindly feelings which they entertain towards each other in all the more intimate ties of domestic and social relations. But the substance of the hon. Member's argument leads to the following result, which the House will scarcely admit:—There are two persons, one possessing 500*l.* and the other 5,000*l.* per annum. The former, from humane and kindly feelings, voluntarily taxes himself in private charity to the extent of one-tenth of his income; the latter gives nothing to benevolence. According to the learned Member you must not impose a tax of 5 per cent. for charitable objects upon the incomes of both lest you should impair the kindly feelings of the man of 500*l.* per annum. And with respect to the danger apprehended that the poor, instead of relieving their relations will send them to the workhouse, I cannot form so low an estimate of human nature as to believe that a provision for the poor, will induce the great body of the humbler classes to neglect the most sacred duties which belong to human existence. The man who would send his aged father to the workhouse, would turn him out of doors if there were no workhouse. But the Bill before us prevents such violations of social duty, by enacting that wherever the claims of kindred are a sufficient cause for throwing upon one person the burden of maintaining, legislation shall reinforce the suggestions of nature. Under the Bill the parent becomes liable for the relief of his child, and the child of his parent. These, Sir, are a few of the observations which have occurred to me upon listening to the speech of the learned Member for Kilkenny, but I confess that I did not come down to the House prepared with an elaborate argument in defence of the principle of a Poor-law. I did not expect upon this occasion to hear that principle contested, and I was anxious to have addressed the House solely for the purpose of offering a few remarks upon the general features of the Bill now before us. I understand the noble Lord, the Home Secretary, to invite criticism upon it, and indeed the circumstances under which it has been prepared and submitted to the House are such as to justify the most rigorous criticism. For what has been the course of proceeding with regard to this measure? In 1833, a commission was appointed consisting of some of the ablest men in the kingdom, aided by a large staff of assistant Commissioners—men for the most part of no mean ability. They spent three years in a laborious inquiry, conducted at an expense to the country of above 30,000*l.*, and ended by producing an elaborate report, which, to my humble judgment at least, appears to contain a great number of useful and practical recommendations. Instead of adopting their suggestions, however, either in whole or in part, their report was carefully laid upon the shelf, as a record to future generations of an amount of human wretchedness such as the civilised European world never elsewhere saw, and Mr. Nicholls, one of the triumvirate of Somerset House, was appointed sole lawgiver for the people of Ireland. Mr. Nicholls is, I believe, an excellent man, of unquestioned ability, and of the most humane intention; but if I am informed rightly, utterly unacquainted with the condition of Ireland, previous to his arrival in that country. After a six weeks' tour in Ireland, during which he visited a considerable number of public institutions, he produces his report—the recommendations of which have been implicitly, I might almost say, slavishly, followed in this Bill. The Commissioners had recommended a variety of measures, calculated in their opinion to improve the condition of the Irish poor. Among other schemes, they had considered the propriety of establishing the workhouse system in Ireland, and for very sufficient reasons had decided upon rejecting it. Mr. Nicholls, on the contrary, rests the whole of his measure for the relief of the poor of Ireland exclusively upon the workhouse system. The workhouse, he says, the workhouse, and nothing but the workhouse! Young and old, the orphan and the widow, the aged man, and the strong man, the maimed and the diseased —you must all go to the workhouse, there to have your different degrees of poverty subjected to the test of pauperism, to use the approved phraseology of Somerset House. But it will naturally be asked, if poverty in Ireland be as extensive as it is represented, you will require a great deal of workhouse accommodation. How many workhouses do you propose to build, and how many persons are they to contain? Room for 80,000 persons, replies Mr. Nicholls. I assume, and for this assumption he seems to be entirely indebted to his own imagination, as with the data before him he might with equal propriety have assumed, that 50,000 persons, or that 500,000 persons would have claimed workhouse relief. I assume, he says, that you will require accommodation for 80,000 persons, and the expense shall not exceed 312,000*l.* per annum. This estimate of numbers, too, is put forward in connexion with a reference to the state of pauperism in England; although by the last report of the English Commissioners, it appears that in three counties in which the Poor-law Amendment Act had been brought into full operation, from one-thirteenth to one-fifteenth of the whole population, had received parochial aid to a greater or less extent. The Irish Poor-law Commissioners had arrived at a very different result. They compute that not less than 2,300,000 persons are in a state of severe distress during thirty weeks every year. Now, this appears to me to be an exaggeration, and to English Members not acquainted with the state of Ireland is perfectly incomprehensible; because, if an English labourer were out of work for thirty weeks of the year, he must either receive parish relief or starve. But if we consider the peculiar situation of the Irish labourer, we shall understand, that although this estimate may be somewhat exaggerated, it is not so far from the truth as a first view would lead us to suppose. The Irish labourer depends for his subsistence, not upon wages but upon land; and in this respect the learned Member for Kilkenny conveyed an erroneous impression to the House, when he said that there were above 560,000 heads of families in Ireland without land. Every one connected with Ireland knows, that it is the almost universal practice of the Irish labourer to take each year from half an acre to an acre of land, according to the number of his family, and after having planted potatoes upon it, to trust for his sustenance throughout the ensuing year to the crop which it produces. The rent is paid partly by the sale of his pig, or partly by his labour. If the crop be good, and if he can obtain employment throughout the year, he is in a state of comparative comfort. If, on the contrary, the crop fails, and he cannot procure work for more than five or six months in the year, he is reduced to a state of the greatest privation, is unable to procure the common necessaries of life, and his family are often reduced to live upon one meal a day, at particular seasons. Now, it cannot be denied, that in the most favourable years, a very large portion of the labouring population, probably above one-half, are unable to procure employment for more than five or six months in the year. But although the estimate of Mr. Nicholls limits the number of the poor requiring relief in Ireland to 80,000 persons, the Bill contemplates no such limit. Under this Bill powers are taken to provide workhouse relief for the whole population of Ireland, if it should be necessary; and this is my main ground of objection to the Bill in its present form—namely, that it vests the most unlimited and undefined discretionary power in three or four gentlemen residing at Somerset-House, who, neither directly as Irish rate-payers will feel the practical operation of the measure which they administer, nor will even be within the reach of that indirect influence which arises from personal observation, and from the opportunity of becoming acquainted with the opinions of others. By the Bill, as it at present stands, the Commissioners are invested with a discretion, which, if directed against the interests of the rich, would enable them to confiscate the whole property of Ireland, and if directed against the interests of the poor, would render this measure entirely inoperative, and a mere dead letter, as regards their condition. They are empowered either to build 10,000 workhouses, or to build ten—they may levy a rate of twenty shillings in the pound, or only of one halfpenny in the pound—they may convert the whole of Ireland into one union, or they may constitute a single parish an union; and if every board of guardians does not implicitly obey—(for obey is the word used in the act)—does not obey their instructions, they are liable to be superseded and replaced by paid agents, who, being appointed by the Commissioners, will naturally be objects of special favour and patronage; and further, if every person in the community does not aid and abet the Commissioners in establishing this despotism, the persons so obstructing or not assisting the operation of this act, are liable to be fined or imprisoned. I would not confer powers so undefined and unlimited upon any body of men, even if they were perfect as angels, still less would I bestow them upon a board, which, in the administration of the English Poor-laws—whether the system they pursue be bad or good, I will not pronounce—have contrived to excite throughout England a very great amount of discontent and dissatisfaction—but, least of all, would I establish such an uncontrolled despotism in Ireland, where the influence of public opinion does not act as it does in England, directly and immediately upon legislation; for we know in Ireland, by sad experience, that a law may be universally condemned by public opinion, and yet that we may find it extremely difficult to remove it from the statute book. For these reasons I trust that, before the Bill leaves the Committee, the powers and duties of the Commissioners will be accurately and strictly defined. Another feature of this measure, as it was explained by the noble Lord, which appears to me liable to objection, is the proposal that it shall only at first be brought into partial operation in particular districts. Now, I think a very little reflection will convince the House, that the most grievous injustice may arise if the Bill be not brought into simultaneous operation throughout the whole of Ireland. For what could be more unjust than that our country should be called upon to build workhouses, not only for the reception of its own poor, but for the poor of every other part of the world, whilst from the burthen of maintaining similar establishments, another country should be exempt? It is suggested by some Gentlemen, that in order to meet any difficulties which may arise from this source, it will be expedient to introduce into this Bill the enactment of a law of settlement. To me it appears, on the contrary, that its framers have acted wisely in not at present, at least, complying with it a law of settlement. Litigation, expense, complexity, are the necessary accompaniments of a law of settlement; and another not less dangerous consequence resulting from it is, that it interferes with the free circulation of labour. A law of settlement only becomes necessary when you give to the poor man a legal title to relief in a particular district, and, as by this Bill it is not proposed to give such a legal title to the poor, a law of settlement is for the present unnecessary. In the practical working of the system, each board of guardians will give a preference to the poor of their own district, and thus in the exercise of their discretion, the effects of a law of settlement will be obtained without its inconveniencies. There are several of the minor details of the Bill which appear to me open to objection; but I shall reserve for the Committee any remarks which suggest themselves to my mind respecting them. I now wish to advert to those means of relieving the poor which have been omitted in this Bill, and which, if they have not been entirely overlooked, have not, at least, been brought forward as concurrent measures, forming a part of a great system. Unless I much mistake the character and habits of the labouring poor of Ireland, they will submit to all their present privations, rather than go into the workhouse. If this be so, the Bill will do nothing towards improving the condition of the able-bodied labourer in Ireland. Now, it seems to me that it is in the power of legislation materially to ameliorate the position of the destitute labouring classes, by establishing a more healthy ratio between population and capital than at present exists in Ireland. Without denying, that if property were distributed in a different manner—if the gentry and nobility staid at home, and expended their incomes in improving their estates, the resources of Ireland would be amply sufficient to maintain in comfort its present population—I think it is equally undeniable that, under its present circumstances, the population is redundant, as compared with the means at present available for its employment. Let that redundancy be removed, and you improve the condition of the remainder. Foremost among measures having this effect is a well-regulated system of emigration. Fortunately there is now no prejudice in Ireland against emigration—on the contrary, thousands are panting to join their more successful comrades, who have gone before them in the field of adventure—and if a free passage to the colonies were offered to the destitute labourers of Ireland, tens of thousands would this very spring gladly avail themselves of this opportunity to remove to a country where the labourer earns the fair reward of his toil. The expenses of emigration are now so inconsiderable, when compared with the expenses attending any workhouse relief that could be offered, that, upon the grounds of economy as well as of regard to the interests of the labourer, there can be no hesitation in giving a preference to emigration; and, considering the heavy taxation which we are now, for the first time, about to impose upon the people of Ireland, for the relief of the poor,—considering, too, that colonization is an object of national concern;—it is only reasonable that the expenses of emigration should be defrayed, either in whole or in part, out of some national fund;—whether that fund can be best raised by the sale of waste lands in the colonies, or from any other source, it is for the Executive Government to determine. Another resource, open for the removal of the redundancy of the labouring population, would be afforded by home colonization. The result of a Commission of Inquiry, appointed some years since, was—to show that there were, in Ireland, 5,000,000 acres of land in a state of nature, the greater part of which was reclaimable. That amount has, probably, by extended cultivation, been considerably diminished; but there still remain several millions in an uncultivated state. I know of no mode in which the reclamation of a portion of these lands, say 200,000 or 300,000 acres, could be undertaken with so much advantage as in the establishment of home colonies upon such tracts. In this way, several thousand families might be taken out of the labour market, and placed in a condition of comparative comfort. There is nothing in the experience of the poor colonies of Holland which should deter us from, at least, making the experiment, as the circumstances in the two cases would be wholly different. I am persuaded that, under good arrangements, the whole cost of the settlement might ultimately be repaid by the labourers, and by permitting them to purchase in fee their small allotments, say of ten acres each, they would have a stimulus to labour which the poor man seldom knows in Ireland; whilst the ultimate result would be to create, in the more unimproved districts of Ireland, a class of small proprietors in fee, which, in itself, would be no trifling advantage in a country in which small fee-simple estates are almost unknown. There remain, besides, as means of providing employment for the destitute labourer, the public works undertaken by the counties of Ireland, and public works of a national character. Measures, also, enabling the Irish proprietors to improve their estates under circumstances which, at present, operate as prohibitions to such attempts, ought to be brought forward concurrently, as a means of providing employment for the poor, and it is for the Government to originate these various legislative enactments, as symmetrical parts of a great system, for the amelioration of the condition of the labouring classes. Having by these means provided employment for the able-bodied poor, it will then only remain to make arrangements for the maintenance of those who, from utter inability to save their own sustenance, are compelled to throw themselves upon the compassion of society, and are relieved either by voluntary charity or by a compulsory provision. For this class of objects different modes of relief might be adopted. In each county or district there ought to be an asylum for persons afflicted with incurable diseases, requiring medical supervision. For the maintenance and education of orphans, there ought to be separate institutions—for the idle vagrant, and impostor, a workhouse is the proper receptacle—to the aged and infirm, the option might be given either to go into a poor-house, or to receive domiciliary relief. In administering such a provision it will be found desirable to have larger and smaller districts; and I can see no difficulty in engrafting the recommendation of the Irish poor Commissioners upon Mr. Nicholls's proposal, to divide Ireland into large unions, containing 80,000 persons each on an average. The smaller districts, called by the Commissioners " relief districts," should be so formed as to contain a population not exceeding a given number—say 10,000, or 8,000, or 5,000 persons. In each relief district let a Committee be appointed by the rate-payers, one or two of whom should be guardians in the union district: and if you are afraid that the Committee in the " relief district" would give assistance from the poor-rate to improper persons, let their duty be limited to the task of recommending those persons whom they think fit objects for public charity, and let it rest with the board of guardians, after full inquiry into the circumstances of each case, to determine what amount of relief should be given; and also whether relief should be given in money, in time, or in the workhouse: whether a poor labourer should be sent to the public works of the barony, or whether he should be placed in a poor colony, or enabled to emigrate. There does not appear to me any sufficient reason for departing from the recommendations of the Commissioners in regard to the appointment of the poor-rate between the landlord and the tenant. After the fullest consideration they determined that the landlord ought to pay two-thirds of the rate, and the tenant only one-third. Considering that the tenant now pays the county rate, which in many instances has been doubled during the continuance of the existing leases—that he also pays the tithe, and that many tenants are left, after the payment of their rent, but a very inadequate sustenance, I do not think this an unreasonable apportionment of the burthen between landlord and tenant. This adoption would also have the good effect of rendering this measure more acceptable to the poorer and middling classes of society in Ireland, a consideration not unimportant when we are imposing a new tax which political economists tell us, whether paid directly by the tenant or by landlord, is ultimately a deduction from the rent of the land. I have now, Sir, frankly and freely stated my opinion respecting the leading features of this Bill; but I can assure the House, that the objections which I have offered, are urged in no captious spirit—and that so far from wishing to thwart the measure, it shall have my most earnest and anxious support. With a few modifications in Committee, I believe it is capable of being rendered a most efficient and useful enactment—and I do implore the noble Lord, that he will not allow himself to be tempted by any solicitation, however influential the quarter from which it proceeds, to abandon or postpone his project. Every step that we take in legislating for the relief of the poor, is a step taken in the right direction, and if the Bill of this year, which must be to a certain extent experimental, should be found faulty, or inadequate, it will be in our power in a future year, to remedy its imperfections and deficiencies. Before I sit down, I beg to offer the humble meed of my sincere thanks to the noble Lord, and to the Government, for having at length grappled with the most difficult subject—I offer them my thanks not only as an Irish representative, and in that capacity as a trustee for the poor, but also as an Irish landlord, under the fullest conviction, that in this matter the claims of the poor are not at variance with the interests of the rich! but, on the contrary, are we certain that every thing which is done to improve the condition of the poorer classes is a new guarantee for the security of the properties and persons of the wealthier classes, and one which will tend to promote the well-being, the comfort, and the happiness of every portion of society.

Viscount *Morpeth* had heard the hon. Member's concluding remarks with particular satisfaction. The principles on which this measure was founded were now sufficiently established; namely the frightful distress which prevailed in Ireland, and the extending conviction of all parties, admitted even by the hon. and learned Member for Kilkenny, that the time was now come when a decided experiment must be made for relieving that distress. With a view to supply this so much required remedy, two chief courses were open to his Majesty's Government. One of these courses was to improve and extend the existing institutions in Ireland for the reception and relief of the destitute, impotent, infirm, and lunatics, to open asylums for the aged and the young, to provide for the able-bodied poor public works of improvement, and to provide on a large scale for emigration. This was the course recommended by the Commissioners of Inquiry into the question of Poor-laws for Ireland, of whose labours and character he begged to be understood as speaking with the utmost deference and respect. Both their philanthropic feelings and their enlarged views, however, were greatly shared by Mr. Nicholls, and he could not refrain from expressing his opinion that the remarks which the hon. and learned Member for Kilkenny had made in reference to that gentleman were unjustifiable and unworthy. As to the course of proceeding he had pointed out, it had been foreseen by Government that to open so many sources of legislative experiment would be to meddle with everything without the certainty of doing anything in an effectual way. The other course open to them, and which they adopted, was to lay down the broad and clear principle of a Poor-law, to provide relief for all destitute persons, but to provide it on such terms as all but the really destitute would decline to accept. In connexion with this measure, and subsidiary to it, Government was perfectly ready and prepared to do all in their power to provide the fullest facilities to persons desirous of emigrating from Ireland to our colonies abroad, and also to find work for the able bodied in public works. With these views some Bills had already been laid on the table of the House by the hon. and learned Member for Galway, which were calculated to be of signal use in working out the objects of the present measure. It was further his intention to propose, concurrently with the Poor-law Bill now on the table, a Bill to extend, regulate, and improve, the system of medical charities now existing in Ireland. One argument against the measure was the alleged insufficiency of the workhouses to the accommodation of the persons likely to apply for admission. It was said, "what is the use of providing accommodation for 80,000 persons only, when it is stated by the Commissioners of Irish Poor-law Inquiry that there are in Ireland not fewer than 2,300,000 persons destitute at one part of the year or another?" Now, to set about providing accommodation in workhouses for 2,300,000 persons was altogether out of the question, nor was such the object contemplated. The Commissioners themselves distinctly stated that, in reporting such to be the number of persons destitute in Ireland at one part of the year or another, they did not mean to imply that the extent of workhouse accommodation must be proportionately great; for they declared their belief that the able-bodied labourers and their families would, in most cases, endure any misery rather than make the workhouse their domicile. no doubt it was the object of the measure to afford the utmost possible relief to all destitute persons in Ireland; but it must be remembered that a permanent relief provided for 80,000 or 100,000 persons was equal to occasional relief given to an infinitely larger number. If, after the experiment had been tried a short time, it was found that the verge of relief could be extended, no one would be more rejoiced than himself. The experiment was a very hazardous one, with all the precautions that could be devised. The great object was, in the present instance, to provide relief, as far as possible, for that distress which was most crying and most complete. One of the most material points for consideration in a question like this was the question of settlement. Upon this subject it was not his intention to enlarge on this occasion. It appeared to him that to admit of a settlement in this case must act so as greatly to promote mendicancy. They could not, without the greatest inhumanity, preclude persons from soliciting alms to keep themselves from starving on their way backwards and forwards to their places of settlement. There were many other grounds of the subject which he should reserve for a future state of the Bill. What he had to entreat of the House on this occasion was simply to sanction the establishment of a legal provision for the poor of Ireland. That this was a most momentous and critical experiment he readily admitted, but it was an experiment guarded by the most maturely-considered precautions.

Whatever difference of opinion might exist in the House on these topics, he trusted that he did not vainly entreat of them to come to a unanimous declaration on this most important subject.

Colonel *Conolly* could not understand how it was that, after a description which harrowed the feelings of every Gentleman present, of the frightful distress, which prevailed in Ireland, the hon. and learned Member for Kilkenny could turn round and ask the House to suffer that distress still to exist. As to himself, however deeply he had ever sympathised with the sufferings of his countrymen, he must confess that at first he had come into the House filled with the most serious apprehensions as to the introduction of Poor-laws into Ireland; but his objections were founded on what he saw of the operation of the English Poor-law as it then existed. The alteration which had since been effected in the English system, and the happy effects of that alteration, had, however, relieved his mind in a great degree from the fear he had formerly entertained, and he should not withhold his consent from the experiment, though he should watch its progress with great anxiety.

Debate adjourned to Monday.

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HOUSE OF LORDS,

Monday, May 1, 1837.

MINUTES.] Petitions presented. By Lord KENYON and other Noble LORDS, from various places, against the Abolition of Church-rates; and by the Earl of LICHFIELD and other Noble LORDS, from various places, for the Abolition of Church-rates.—By the Earl of LICHFIELD, from Walsall, for Alteration of the Law respecting County-rates.—By the Earl of FINGALL, from various places, for Irish Municipal Corporations Bill.—By the Archbishop of CANTERBURY, from Haworth, for an Alteration of the Poor-law Amendment Act.—By the Bishop of WINCHESTER, from Ventnor, for Better Observance of the Sabbath.—By the Bishop of SAINT ASAPH, from Merioneth, against Abstraction of the Revenues of the Welsh Church.

CANADA.] Lord J. Russell and others, from the Commons, communicated to their Lordships in a Conference, the Resolutions agreed to by the Commons, relating to Lower Canada.

The Resolutions to be printed.

MUNICIPAL CORPORATIONS (ENGLAND).] On the motion of Viscount Melbourne, the House went into Committee on the above Bill.

On the 1st Clause,

Lord Abinger moved to add certain words to confine the disabilities it provided for, to "the non-compliance with the directions of the Act."

The *Lord Chancellor* defended the clause as it stood. It was intended to correct and remove a great evil connected with the original Act, by which, though the party elected and electing were not aware of any defect in the appointment of the officer at the time of election; yet, at some future period, the person elected would be declared improperly elected, because some defect was discovered in the appointment of such electing officer. Nothing could be more injurious, or he might say more unjust, than to make the propriety of an individual's holding an office in which he had been placed on the title of another person with which the elected party had nothing to do. A Member of Parliament would not be removed from his seat because there was a defect in the title of the returning officer. Certainly, that was the more reasonable course to pursue, and the one that ought to be followed in this instance.

Lord *Wynford* contended, that the words proposed by his noble and learned Friend were necessary to restrict the operation of the Bill within the limits prescribed in its title. As the clause now stood, it comprehended every possible variety of defective titles without fixing those guards which might be necessary in each particular instance.

Lord *Denman* understood, that the noble and learned Lord (Lyndhurst), whose absence they all deeply regretted, was not opposed to the clause in its present shape. The clause would effect a real improvement in the present state of the law, and why should it be specially restricted to the cases of defective title which had arisen under the Bill of last year?

Clause was agreed to, on the understanding, that if the object of the noble and learned Baron (Abinger) could not be attained in some other way, by means of a substantive proviso, the words proposed to be inserted should be adopted.

On Clause 13, relating to the election of mayors and aldermen,

Lord *Wynford* proposed, that when the town-council happened to be equally divided with respect to the candidates for those civic offices, the town-councillor who had been elected by the greatest number of burgesses should have the privilege of giving the casting vote.

The *Lord Chancellor* objected to the proposition. He thought such a plan would place too much power in the hands of particular individuals.

The House divided on the original clause: Contents 24; Not-Contents 37: Majority 13.

List of the CONTENTS.

Lord Chancellor

DUKES.
Cleveland
Norfolk

MARQUESS.
Lansdowne

EARLS.
Cork
Ilchester
Leitrim
Minto
Scarborough

VISCOUNT.
Melbourne

BISHOPS.
Ely
Hereford
Salisbury

LORDS.
Bateman
Brougham
Byron
Denman
Hatherton
Holland
Langdale
Lovat
Poltimore
Say and Sele
Strafford.

List of the NOT-CONTENTS.

DUKES.
Cumberland
Wellington

MARQUESS.
Salisbury

EARLS.
Airlie
Bandon
Beauchamp
Bradford
Brownlow
Falmouth
Harrowby
Hillsborough (Downshire)
Mayo
Orkney
Plymouth
Selkirk

VISCOUNTS.
Arbuthnot
Combermere

BISHOPS.
Bangor
Carlisle

LORDS.
Abinger.
Bexley
Bolton
Borthwick
Carteret
Colchester
Colville
Clanbrassill (Roden)
Ellenborough
Fitzgerald
Heytesbury
Melros (Haddington)
Moldrum (Huntley)
Montagu
Redesdale
Saltoun
Wallace
Wynford

Lord *Abinger* moved an amendment, the object of which was to take away the power of aldermen from voting in the election of aldermen in cases of vacancies in that body, and giving the right of election to the town-councillors. This would have the effect of preventing anything like self-election, and was most desirable.

The *Lord Chancellor* opposed the amendment, on the ground that it would interfere with the other provisions of the Bill. The Bill gave certain powers and authorities to the council to do and perform certain acts, amongst others to elect aldermen, and it constituted the aldermen part of the council.

Lord Abinger, after what had passed, withdrew his amendment.

The House resumed.

The Bill, as amended, to be printed.

HOUSE OF COMMONS,

Monday, May 1, 1837.

MINUTES.] Bills. Read a second time:—Trial by Jury (Scotland); Public Works (Ireland).—Read a first time:—Concealment of Births; Coroners' Inquests Expenses.

Petitions presented. By Mr. WILKS and other Hon. MEMBERS, from various places, that a general Bill for the Better Observance of the Sabbath may go through a Committee of the whole House.—By Mr. WILKS and other Hon. MEMBERS, from various places, for the proposed Measure for the Abolition; and by Sir JAMES GRAHAM and other Hon. MEMBERS, from various places, against the proposed Measure for the Abolition of Church-rates.

TITHES (IRELAND).] On the motion of Lord John Russell the Order of the Day for the House going into Committee to take into consideration that part of his Majesty's Speech relating to tithes in Ireland was read.

The House resolved itself into Committee; and, on the motion of Viscount Morpeth, the Chairman read the following paragraph of the Address in answer to his Majesty's Speech from the Throne:—

"We humbly assure your Majesty that we will direct our attention to the state of Ireland, which your Majesty has been graciously pleased to bring especially under our notice; and, convinced of the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom, we will take into our early consideration the present constitution of the Municipal Corporations of that country, the laws which regulate the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse, as our experience and knowledge of the subject may enable us to suggest; we cannot but feel grateful for the confidence with which your Majesty commits these interests into our hands, and we are persuaded, with your Majesty, that should we be able to frame laws upon these matters, in accordance with the wishes of your Majesty, and the expectations of your Majesty's people, we shall not only contribute to the welfare of Ireland, but strengthen the law and Constitution of these realms, by securing their benefits to all classes of your Majesty's subjects."

Viscount *Morpeth* rose, and spoke as follows:—When I remind this Committee that I now rise for the third time to move for leave to bring in the fifth Bill which, within the short period of three years, has been submitted to Parliament for the settlement of Irish tithes, it will be obvious to the Committee, both with respect to myself and to my subject, that there is so little of novelty with which I could hope to adorn it, and that all its chief branches must have been so thoroughly laid bare to the consideration of the House, that the more short, simple, and matter-of-fact the statement is which I am now called upon to make, the better I shall discharge my duty, and suit the convenience of the Committee; and still more especially do I feel that, beset as the whole question is with much disturbing and inflammatory matter, and exposed as it is to the shock of fiercely controverted principles—not declining myself at every proper season and opportunity to state most broadly my own views of those principles, and to abide by their issue; yet I sincerely wish to guard myself against unnecessarily or prematurely bringing opposite opinions into conflict, or entangling what I hope to be a clear and dispassionate statement of the details of the measure which I have to submit to the House with any differences, or embroiling it with any of the heats of party. With respect to that part of the question which relates to the immediate arrangements that are necessary to be adopted, with a view to any settlement of the tithe question in Ireland, very little substantial difference of opinion has subsisted of late among the principal parties in the State who have addressed themselves to it. We propose to follow the precedent of all the five previous Bills which have been introduced upon this subject, in converting the present composition for tithes into a rent-charge upon the owner of the first estate of inheritance, or upon what is reckoned a fair equivalent for the first estate of inheritance. We take the same amount of deduction as proposed in the two previous Bills submitted to the House of Commons by his Majesty's present Government—a deduction of thirty per cent.; that is, reducing the rent-charge down to 70*l.* for every 100*l.* tithe composition. Objections have been urged against our previous proposal of vesting the power of levying the future rent-charge in the hands of the Commissioners of his Majesty's land revenues, as tending to give the ministers of the Established Church a too dependent character. Without stopping to inquire into the justice or force of those objections, we do not propose to take the levy of the rent-charge out of the hands of the parties to whom it is legally payable, but intend giving them the same powers of recovery as are given to the Commissioners of Woods and Forests for the recovery of such rent-charge as belongs exclusively to the Crown; in fact, the same powers as are given by the Tithe Composition Act of 1832, against all liable or undertaking landlords. We preserve the same rules and regulations for the possible revision, in certain cases, of the present tithe compositions, as we introduced into the Bill brought forward last year. For, although we are aware that plausible distinctions are drawn between compositions of one date, and those of another, and between compositions entered into under one form of composition and those under another, yet we think we shall do most complete and substantial justice by extending the same power to all cases alike—in all alike proper and sufficient precautions being taken against that power being idly, or viciously, or capriciously, or needlessly resorted to. It will, probably, be remembered by the Committee, that, in the bill which I had the honour to bring forward last Session, provisions, the particulars of which I need not here recapitulate, were included for an altered distribution of the incomes of clerical benefices, tending, I conceive, to a more equitable and advantageous apportionment of ecclesiastical duties and revenues. However, the scale which I proposed encountered some objections; and I may in courtesy say, a contending scheme was proposed by the noble Lord, the Member for North Lancashire (Lord Stanley), which was adopted by the other House of Parliament, and inserted in the Bill which they returned to us. At the same time that the noble Lord proposed his amendments for the distribution of the future income of the clergy, it was intimated by him, that the clauses which he suggested were not unacceptable to, and would not be disapproved of by, the heads of the Church, or by the clerical body at large, as might also be collected from what passed elsewhere. However, the shape which the Bill, independent of those specific alterations, wore when it was returned to this House, at the close of the last Session, made his Majesty's Government conceive, looking at the then and still subsisting state of the tithe question in Ireland—and the House may be assured that they could not fail to arrive at that conclusion but with very great regret

—that their duty would not allow them to consent to its enactment as a law. Still, looking to those amendments, thus proposed, by the noble Lord and adopted by the other House of Parliament, independently, with a view to unaltered distribution of Church property, I confess that I am inclined to think that they are susceptible of further modification and extension, and that if they had been adopted as they stood there would have been left many gross cases of disproportion and of abuses, which they would not have reached, or, which, at least, they would very inadequately have touched. Still considering the auspices under which they were proposed, and the authority by which they were supported, wishing, wherever we are able, and where the views of all the principal parties—while contending, perhaps, on most other points—manifestly point to one common object, and are aiming to move along that combined track in peace and amity together, his Majesty's Government have thought it expedient and advantageous to adopt those clauses, almost without variation, in the shape in which we find them. I believe entirely without variation, except as regards one provision which we formerly thought, and still think, militates against the spirit of the very propositions which it accompanies: I mean that which prohibits the Ecclesiastical Commissioners from reducing any benefice, let the circumstance of that benefice be what it may, to any annual amount of income below 300*l*. Under the Church Temporalities Bill one of the chief objects which it was intended to defray out of the revenues which would have accrued under the operation of that act was the increase of small livings, which item was estimated by Earl Grey, in the clear and comprehensive statement which he made in introducing that measure to the other House of Parliament, at 46,500*l*. per annum. One of the items to meet the expenditure contemplated and provided for under the same act was a tax upon all clerical incomes, whether in the hands of the archbishops, bishops, dignitaries, or other orders of the clergy. Now, without wishing to advert to the question of an eventual surplus, which, according to the calculations of the authors of that measure, as well as of the eminent accountants to whom the details have subsequently been referred, must eventually—I admit at a very distant day—but must eventually arise under the operation of that Bill, as it then stood, or as it has since been amended; without, I say, adverting to that question of eventual surplus, the Committee will perceive that the item of expenditure in the outgoing account of the Church Temporalities funds, namely, the increase of the smaller livings, will be met by the provisions carried in the Bill of last year in the House of Lords, by which the Ecclesiastical Commissioners are empowered to make deductions from any livings of which the annual income exceeds 500*l*. or in which the number of the members of the Established Church falls short of 100; and to augment any benefice of which the annual value is below 300*l*., or which comprises a city or town within its precincts. The provision which will be thus made by these clauses of the noble Lord and of the House of Peers will, indeed be far more than commensurate with what would be derived from the tax upon clerical incomes, which from the modifications it has undergone, and the deductions that have since been made from it, would only amount to a very inconsiderable sum. This tax, then, we propose to repeal, because it does not seem necessary to us to keep up a tax insufficient for the purpose to which it is to be applied, and which purpose, moreover, is amply provided for by other means. I have mentioned that we have adopted, almost precisely in the shape in which they were originally proposed, the suggestions of the noble Lord, or the amendments of the House of Lords, call them which you will, in the Bill of last year, But, as in the very process and act of carrying those provisions into effect it is probable, indeed almost inevitable, that further suggestions and proposals, for the express purpose of giving consistency and efficacy to our whole Ecclesiastical system, will occur to the Ecclesiastical Commissioners, who under these same clauses are charged with the superintendence of the requisite operations, power will be given to them to report to his Majesty any further supernumerary and subsidiary suggestions and amendments which may occur to them as desirable, or calculated the better to effect the object sought to be attained, and which then, if to his Majesty's advisers it should so seem fit, may be brought under the consideration of Parliament. There is an ancient statute of the reign of King Henry 8th., which has been already cited in this House, but which I do not think has met with all the consideration to which it is fairly entitled. It is the 15th chapter of the 28th of Henry 8th ., and it enacts, "that every incumbent of each parish in Ireland should keep or cause to be kept within the place, territory, or parish where he should have pre-eminence, rule, benefice, or promotion, a school for to learn English, and that every archbishop bishop, suffragan, archdeacon, commissary, and others having power and authority to induct any person to any dignity, benefice, office, or promotion spiritual, should at the time of the induction of such person and persons to any dignity, &c., give unto the said person and persons so inducted a corporal oath, that he and they so being admitted, instituted, installed, collated, or inducted, shall to his wit and cunning endeavour himself to learne, instruct, and teach the English tongue, to all and everie being under this rule, cure, order, or governance." Penalties are laid both on the bishop and clergyman for a breach of this statute. For the two first offences the holder of the benefice is fined at different amounts; for the third he is to be deprived of his benefice. Now, it may be remarked, that this Act was passed subsequent to the acknowledgment of the King's supremacy in Ireland. In fact, the King's supremacy was established by an act of that very year. But it is clear that Ireland was then in the eye of the law, as it was in fact, still considered, essentially a Catholic country, because by the 9th section of this very statute the priest is enjoined to read his beads in English. This act was met with some opposition by some of the members of the Church of that day; but the State did not desist in carrying the measure into a law. This care for the general and universal education of the people which was thus exhibited in this ancient statute was further reinforced by 12 Elizabeth, c. 1, which, after reciting in the preamble, that "the ignorance of the people proceedeth only of lack of good bringing up of the youth of this realm in public or private schools," proceeds to enact, that "there shall be from henceforth a free school within every diocese of this realm of Ireland." Whence the diocesan schools in Ireland at the present day, into the efficiency of which an inquiry is now going on by a Committee of this House, under the auspices of my hon. Friend, the Member for the city of Waterford. However, what I wish chiefly to call the attention of the Committee to, are the results of the provisions contained in the statute of Henry 8th, for the establishment of parochial schools in every parish and diocese throughout Ireland, and to which, I apprehend, the diocesan schools established in the reign of Queen Elizabeth were only to be subsidiary—to be, in fact, for the higher classes of scholars, though both the statutes contemplated equally the spread of popular education. It must have been collected from the extract which I have read from the statute of King Henry 8th, and from the oath which is imposed upon all incumbents to comply with the provisions of that statute; and which oath is accordingly, up to this day, taken by all rectors and vicars on being inducted into their livings, in these words:—"I will teach, or cause to be taught, an English school, within the said rectory or vicarage, as the law in that case requires;" it must, I say, have been collected by the Committee that, by force of these unrepealed statutes, and of this subsisting oath, the obligation of the clergy to keep up these schools in the fullest force. This must be obvious to all. The question, therefore, is, is this obligation fully or efficiently complied with? As to its being fully complied with, I find in the first Report of the Commissioners of Irish Education Inquiry, dated 30th May, 1825, it is stated, that in several benefices in Ireland, which amount to 1,242 (which, I think, is rather understating the fact), there are 782 schools, to which the respective clergymen annually contribute pecuniary aid, amounting altogether to 3,299*l*. 19*s*. 4*d*. Now, if the statute is construed to extend to every parish in Ireland, then, as there are above 2,400 parishes in Ireland, the case of the disproportion of schools is more strongly apparent. In fact, the proportionate number of schools kept up is but little more than one-fourth the number of Irish parishes. In the second Report of the Commissioners of Public Instruction in 1825, and which I quote, because it is the most recent information we have received upon the subject, it is stated, that "It appears there are many benefices in which there is no evidence of the existence of such parochial school as was provided under the Acts 28th Henry 8th, and 7th William 3rd," the latter having been introduced to enforce the former statute. As to these schools being kept up, I find in the eleventh Report from the Commissioners of the Board of Education in Ireland, dated November 2, 1810, "Though the

Act of Henry 8th, as is already stated, ordains that every incumbent in the kingdom shall keep, or cause to be kept, an English school in his parish, yet there is no regulation made therein of the stipend to be paid by the clergyman to the person whom he shall cause to keep the school for him; but we find that a custom has universally prevailed (though we cannot trace the period of its commencement) for the incumbents of the parishes in which parish schools are kept, to allow the schoolmaster 40*s.* per annum as his salary, and whenever this small stipend (utterly inadequate at present) is paid by the clergyman to a schoolmaster, the school is considered as a parish school." It appears, then, that it was enjoined by ancient statutes, that there should be kept up in every parish in Ireland a school; and, notwithstanding every clergyman, on his induction to a living, takes an oath, that he will keep up and maintain such school, the obligation is not complied with. But have there been no expressions of a more recent date of the wishes or opinion of the Legislature or the Government relative to the enforcing or maintaining the provisions of these ancient statutes, and to enforce, in its proper scope, the objects of this act? I will refer to what took place when the Duke of Rutland was at the head of the government of Ireland, and I find that, on the 12th of April, 1787, Mr. Secretary Ord then said in the Irish House of Commons, in reference to this subject, "Though every minister of a parish is bound by oath to comply with the 28th of Henry 8th, the only thing done towards carrying it into effect is a commutation of 40*s.* per annum, paid by the minister of each parish. This sum he proposed to take as the lowest rate of contributions from all livings not exceeding 150*l.*; from thence to 200*l.* per annum the contributions should be 3*l.*; two and a half per cent. after 200*l.*" He then moved these resolutions:—"That it is expedient to revise the Act of the 28th of Henry 8th, for the establishment of parish schools, and to make provision for ascertaining a new scheme and rate of contribution towards their more effectual support and improvement;" and—"That it is expedient to establish, by the aid and authority of Parliament, an annual fund for providing school-houses in every parish and union within this kingdom in which they may be requisite, for the residence of a schoolmaster, and the free instruction of the poor." It appears that this plan, like too many others that have been proposed, has, like too many others, been abandoned, without any part of it being carried into effect, for a change of Government took place immediately afterwards, and events of too engrossing a nature supervened, and thus prevented its being acted upon, for, within a few years, the magic events of the Rebellion, and subsequently the important question of the Union, occupied the time and attention of the Legislature, so that but little attention was paid to other matters. Again, after the Union in 1806, the Duke of Bedford, the respected father of my noble Friend, who, I hope, is destined to work out this good work, which was commenced by kindred hands, took up the subject. In that year he issued a Commission of Inquiry into the whole subject of education in Ireland. The Commission was directed to certain of the archbishops and bishops of the Established Church, and to various others, both clergymen and laymen. From this body, which was styled the Board of Education in Ireland, there had emanated fourteen reports, and these were chiefly presented during the Government of the Duke of Richmond, and were signed by the Archbishops of Armagh and Cashel, the Bishop of Killala, Mr. Corry, Provost Elrington, Mr. Edgeworth, Mr. Whitlaw, and Mr. Leslie Foster. I mention the names of these Gentlemen lest it might be suspected that there was something of a rebellious or heretical tendency in the Commissioners, who reported the extract I am about to read. In the 14th report of the Commissioners of the Board of Education in Ireland, dated October 30, 1812, and presented to the Duke of Richmond, there is this passage:—"It would be highly expedient that the contributions of the clergy, (for the support of the parish schools,) should be paid with more regularity, and to a greater extent than ha been heretofore usual. It might not be deemed unreasonable that they should be rated at a sum not exceeding two per cent. of their respective incomes, to be ascertained by the Bishops, in such manner as may seem to them most expedient." If I am told, as I have been told in this House on former occasions, that the ground I have now taken, and the illustrations which I have adduced, cannot be put forward on the plea of novelty, I will say, that I consider that this is an argument in favour of what I am urging, and I wish to make use of no argument which may not be supported by equal authority. But I may be told that the purpose contemplated by the statute of Henry 8th was only merely the putting a stop to the use of the Irish language, and it was intended to substitute the English in place of it, and that it was only a superintendence on the part of the clergy, and not the contribution of funds for the maintenance of these schools, that the Legislature meant. With respect to this last objection, as to the contributions from the clergy, it has been amply confuted by the documents and extracts which I have already read to the House; and I shall have to refer to still further evidence on this point before I sit down. With respect to what was comprehended in the system which was recommended to be adopted, and which was supposed to be in conformity with the directions and stipulations of the Act of Henry 8th, I find that Mr. Secretary Ord, in the speech to which I have before referred, spoke as follows:—"The object of my resolutions is to extend the means of education universally throughout the country at so cheap a rate, that few persons should be excluded from its advantages." In the 11th Report of the Board of Education to which I have also adverted, I find it stated, "The parish schools are open to persons of all religious persuasions." Again, I find that one of my living predecessors in the office which I have the honour to hold, took almost the same view of the subject. Mr. Wellesley Pole, in 1813, said, "The law directs that the parish school, (established in the reign of Henry 8th,) should be kept by, or at the expense of, the clergyman of the parish. From that circumstance it appears at one period to have been inferred that the children brought up in the parish schools were to be educated exclusively in the Protestant religion. But that opinion is exploded; and, in point of fact, children of every religious persuasion were eligible to be educated in these parish schools." With these authorities thus fortified and armed, and sanctioned by the concurrent support of successive Lords-lieutenant and Secretaries for Ireland—by various Parliaments and Governments, and by both royal and Parliamentary Commissioners, amongst whose names are to be found those who stand prominent for the most palmy orthodoxy—I proceed to another part of the subject. What is the course which I invite the House of Commons to pursue in the present seemingly inextricable state of the tithe question in Ireland? I invite the House, in the first place, to repeal the provisions of the statute of Henry 8th, which direct the performance of certain duties; but the provisions of this Act are inadequate for the purpose. I also invite the House to relieve the clergy of the Established Church from the obligation of taking an oath, which reason shows to be of no value, and which, as I believe, cannot be discharged by them. There are those who are partial to a charitable construction of matters, who might enlarge on the impropriety of exposing any persons to the guilt of perjury. There are also those who are not fond of a charitable construction, who might vary the expression, and might say, that the clergy were unwilling to fulfil those obligations imposed on them. I most sincerely declare, that I do not entertain any such dishonourable feeling towards the Protestant clergy of Ireland. I believe that the circumstances of the times render the provisions of this act, to comply with which you call upon every clergyman to take an oath, wholly inapplicable and impracticable. No doubt there are some clergymen who think they have satisfied the object contemplated by the act, by subscribing money for the promotion of popular education, either to those societies fostered by the State, or supported entirely by voluntary donations, and which abound to such an extent in Ireland. It might also be thought by some that the conduct pursued by the Government as regards the plan of national education in Ireland, supersedes the obligation to observe the enactments which the statute of Henry 8th was supposed to impose. On the other hand, it might also be said, that at present the clergy were in that unhappy situation that they were unable to comply with the obligations of the act, or to perform those other duties of a charitable nature which they conceived were imposed on them. I think that it is desirable that the clergy should be relieved from the obligation of taking this oath, for I am satisfied that the altered circumstances of the times have rendered the taking of such an oath, on the induction of a clergyman, totally unnecessary. It is stated in the Report of the Commissioners of the Board of Education—

> "With respect to the oath before mentioned, taken by the clergy at institution, to keep, or cause to be kept, an English school, according to the provisions of the Act of Henry 8th, we have to observe, that, from the great change that has taken place in the circumstances

which gave occasion to its enactment, and for which it was intended to provide, a literal observance of it seems not only to be no longer necessary, but even impossible; and that, from the little advantage to be expected, were the clergy to comply only literally with its legal injunction, and from the difficulties which stand in the way of a general compliance with it in any sense, it may deserve consideration whether it should be continued to be administered, or whether, in consequence of that total change in the situation of the lower classes, (whom these schools were designed to civilize, and to teach to speak, rather than to read, English,) the clergy ought not to be relieved from the obligation thus imposed on them by a repeal of that part of the statute which imposes it."

Again, in the 1st Report of the Commissioners of Education in Ireland, it is stated, "A responsibility is imposed upon the clergy, which is the more inconvenient, as its limits and nature are but imperfectly defined, though it certainly exposes them to the liability of being deprived of their benefices, and convicted a third time of not complying with the provisions of the Act." I will also quote the opinion of Mr. Wellesley Pole once more with respect to this subject. He said, "Every clergyman took an oath to cause to be kept, or to keep, a parish school. He was sorry to say, that this law was very imperfectly recognised. He had declared, in 1811, that the clergy should furnish a part of the funds that would be necessary. He was glad to find, that the principle on which he was prepared to act, was in some degree recognised by the Board of Education." Again, he said, "He had no hesitation in saying, he would look to the oath of the Protestant clergymen, and see whether they ought not, to a certain extent, bear the expense of the establishment—of education in Ireland." Having thus relieved the clergy from the obligation of taking this oath, which it was irksome to take, as it was difficult to fulfil, I propose to proceed on the resolutions which were proposed in the Irish House of Commons by Mr. Secretary Ord—namely, that it is expedient to revise the Act of the 28th of Henry 8th, for the establishment of parish schools, and to make provision for maintaining a new scheme and rate of contribution towards their more effectual support and improvement. We propose to raise a fixed rate from the ecclesiastical revenues of Ireland, which is to be general, and to be taken from the incomes of the archbishops, bishops, and other dignitaries of the Church, as well as from the rest of the clergy. We propose to fix the rate, not on the present holders, but that their successors shall have to pay a fixed rate of ten per cent. We take a fixed rate in preference to a graduated scale of contribution, because it is not intended that this tax shall be levied until the Ecclesiastical Commissioners have redistributed the property of the Church, when they would, of course, take into calculation the operation of this tax. Thus the annual charge directed to be paid by the clergy, by the statute of Henry 8th, will be levied, revised, and augmented; and I must say, that we shall not confine it to the object of old, as stated in the act of Henry 8th, for we propose to apply it not merely to the exclusive purpose of teaching the English language to those whom this act calls the wild and savage folk of Ireland, but that a literary education shall be combined with those lessons of morality and religion which it is our duty to inculcate to all. I feel, that under the provisions of this statute, and supported by the authority of such recommendations as I have stated, for the attainment of this great national object, that the interests of the Church, so far from being injured, will be forwarded by joining its share in promoting the general education of the people. We wish to leave to the future consideration of Parliament, when the proper opportunity will arrive, to determine in what manner this system of general education shall be conducted in Ireland; but, I believe that it is admitted on all hands, and by all authorities, that a national system of education of a people should embrace all classes and denominations of religions. I will not trouble the House by going to other authorities, but, I must add, that I for one shall most sincerely rejoice if the Committees of both Houses of Parliament, and sitting on the subject of education for Ireland, shall be able to devise any scheme by which the jealousies and bitternesses which prevail on this most important question can be removed, and that all classes of Christians can be united in one common plan for the attainment of one of the most important objects that can occupy the attention of a Legislature in the exertions of humanity. It is necessary, that resolutions, having for their object the imposition of a tax, should emanate in a Committee of the House; but I do not think that it would be altogether fair or reasonable to propose them without further notice. I, therefore, only mean, on this occasion, to propose a resolution similar to that which I proposed last year, and which I do not think involves anything likely to lead to discussion, and which will not be agreed to by the other side of the House. We propose to secure to the present owners of tithes, the equitable possession of their property, by transferring the payment of tithes from the humbler to the higher classes in the social scale, and in thus transferring the liability, we increase the security. By authorising a new distribution, on an improved ecclesiastical arrangement, we do not exclude the benefit of further improvement which will be effected after ample inquiry; and after the cession of existing interests we propose to call upon the Church to unite with the State in promoting and carrying out that high and important, and no less safe and social purpose, the general education of the people, for whom and for whose benefit solely, Church as well as State alone exist. What I have stated to the House is founded on an accurate statement of facts, confirmed by a long chain of authorities, if we wanted such sanction and authority for the supportof the object which we have in view, and which must be eminently conducive, under the divine blessing, to the promotion of the tranquillity and welfare of Ireland, and the harmony and prosperity of the whole British empire, I beg leave to move, " That it is expedient to commute compositions for tithes in Ireland into a rent-charge, payable by the owners of the first estate of inheritance, and to make further provisions for the better regulation of ecclesiastical duties."

Resolution agreed to. House resumed.

POOR LAWS (IRELAND)—ADJOURNED DEBATE.] The Order of the Day for resuming the adjourned debate on this question having been read,

Mr. *Barron* said, he was one of those who were in favour of a measure similar to that which had been already tried in England. Nor was a Poor Law altogether untried in Ireland, where the houses of industry had been found to work well, their only fault being, that their means were not sufficient to provide for a very large portion of the poor. From his own knowledge, he could assert that in Waterford, they had been of immense benefit in proportion to their funds, and the poor of Ireland would be glad to see the principle of them carried out to a greater extent. He entirely differed with the hon. and learned Member for Kilkenny, who in sense, if not in words, had said that a provision for 80,000 of the destitute poor was nothing. Was it not, he would ask, a most desirable thing that the evil should be diminished *pro tanto?* As a governor of the Waterford House of Industry, he could assert, that where their means enabled them to relieve five or six vagrants, applications for admittance were made by 200 or 250, although the house was conducted on the most economical scale. It had been said, that the people of Ireland would not willingly resort to the workhouse for relief; but he thought that the blind, the lame, and the really destitute would gladly avail themselves of such institutions. If he understood the Bill rightly, it was a mistake to say that relief was limited to 80,000 persons; by the Bill it was only limited by the poverty of the country. It had been urged as an objection to the Bill, that it would induce that class of poor who were next to paupers, not to provide for the support of their parents; but he was quite satisfied that the poor of Ireland would not regard that duty as less sacred, and by the 50th clause it was made compulsory upon them to support their families if they possessed the means, and if they had not the means, it was surely not intended to leave their families destitute. There was one provision which he should have been glad to see attached to the Bill. which was, that a certain portion of reclaimable land adjoining the bogs or wastes should be attached to each workhouse Nothing, he thought, was worse than to maintain the poor in idleness, without exacting from them some return for the relief afforded them. He thought it would also be found of great benefit if some person who understood farming and tillage were appointed to each workhouse, by which each would form a sort of model farm to the surrounding country; if this plan were to entail an additional expense on the rate-payers, he thought the improvements that would be introduced in the mode of tillage, would more than counterbalance that disadvantage. He, therefore, hoped, that the clause limiting the allotment of land to each workhouse to twelve acres should be left out. With respect to the Commissioners under this Act, he was at a loss to conceive why, when such ample powers were left in the hands of Commissioners in other cases, so little latitude was allowed to them in this; without such power it would be totally impossible for them to adapt the system to the country, as the question in Ireland was a new one, and the people of that country, unlike those of England, had not been trained to a system of Poor Laws. It was an excellent provision of the Bill that extensive powers were not left in the hands of the parish officers, but that great control was exercised by Government, for which it was responsible, and that it was a power he would not object to in the hands of any Government. The measure would not, he thought, be found complete, but in addition, it would be necessary to furnish employment on public works, and to encourage emigration. The present measure he considered, only as a first step to relieve the existing misery. There were some great inconveniences in the way in which property was chargeable under the Bill, which should be reconsidered, and he thought that Irishmen, or persons possessed of local information, should be appointed, as Commissioners, who might also be expected to have some knowledge of the feelings and wishes of the people; but the fact had hitherto been that the Irish people had not been allowed any share in the administration of the laws. When this Bill came into operation, he doubted not but that the effect would be, to convert the barracks into workhouses.

Sir *Robert Bateson* fully agreed with the hon. Members who had gone before him, that this at least, was a question which ought to be discussed without reference to party politics or adverse creeds, and it was a subject upon which all parties could and ought to unite to procure a good Poor Law for Ireland. The hon. Member for Waterford talked of the barracks in Ireland being hereafter converted into poor houses. His wish and prayer was, that it might be so, but the hon. Member must excuse him, (Sir R. Bateson), for saying, that he feared he was rather too sanguine in his expectations. He was rather afraid, though he hoped in God it might not take place, that the poor houses would hereafter be turned into barracks, unless the present system of government adopted in Ireland were abandoned. It was not recently that he had become a convert to the necessity of some system of Poor Laws for Ireland. He had always been an advocate for some provision for the poor before the subject became quite so fashionable in that House, as it had latterly done. He was always an advocate for providing relief for the impotent, the lame, the blind, and the really destitute poor of that country; but he was yet to learn whether it was a beneficial course to pursue, to provide support for the able-bodied man. The hon. Member for Waterford referred to the conclusion of the speech of his gallant Friend (Colonel Conolly) in which his hon. and gallant Friend congratulated the ministry on the production of this Bill. He (Sir R. Bateson) was one who could not join in these congratulations, inasmuch as he thought a great part of the Bill would not work well. A great portion of it appeared to be got up in a hasty, crude, and indigestible form. It was quite impossible that it could be otherwise, seeing that it was founded upon a report made by Mr. Nicholl after a six weeks inspection of a portion of Ireland. He therefore must repeat that he could not join in thanking ministers for bringing forward so important a measure, upon which so much of the happiness or misery of the country depended — on information obtained as Mr. Nicholls's must necessarily have been. Mr. Nicholls, in his six weeks tour did not deem it worth his while to visit Ulster at all. He proceeded only as far as Newry and there he stopped short. He knew not, therefore, from his own examination, whether or no Poor laws be necessary for that province at all. A very strong sensation was excited by the present Bill, in the north of Ireland. Meetings were held upon the subject in Belfast and other places. Persons of different creeds and politics who scarcely agreed upon any other question, agreed that this measure, as at present constituted, would operate most injuriously. One of the greatest injuries it would inflict must arise from want of a law settlement. The Bill proposed to establish eighty workhouses in Ireland. He (Sir R. Bateson) should rather say eight hundred would be nearer the number, if all the destitute were to be provided for; and yet, in a part of the country where no want existed —where industry and comparative happiness were to be found—these districts, contrary to all justice, were to be swamped with shoals of paupers from distant parts of the country. This would be, to make the industrious pay for the crimes of others. The Bill, as it at present stood, would operate as a premium upon absenteeism. He always considered absenteeism as one of the greatest evils under which Ireland laboured, and any Bill which acted as a premium upon residence, and gave encouragement to residence, while it punished the absentee in his pocket, would be truly rendering a benefit to Ireland; but by this Bill the absentee was encouraged to spend his fortune abroad, while it compelled the resident gentleman and merchant to pay for the support of the paupers on the estates of those men, who themselves contributed nothing towards the fund for the relief of the unfortunate persons who had been reduced to indigence by the neglect of those absentees. He wished the Poor Law should be as local as possible. He conceived it to be most unfair, unjust, to extend the same system to Munster, and Ulster, and *vice versa*. Mr. Cribbace had lately gone on a tour through Ireland, supposed to be by order of the Government, lecturing on the benefits of this plan of poor laws. But he would take upon himself to say, that the plan was not in accordance with the wants and wishes of the people of Ireland. What the people of Ireland wanted, was a measure to compel those who were not resident to join in making a provision for the poor. With respect to the workhouse system, it was, in his opinion, an error to exclude out-door-relief. In Belfast a workhouse was established, which had the effect of abolishing mendicancy. But out-door relief was afforded. They gave spinning wheels, bread, fuel and other necessaries, and the result was most advantageous. But the Bill on the table of the House proceeded upon quite a different plan. In the parish in which he (Sir R. Bateson) resided, and in the five or six adjoining parishes, mendicancy was at an end. They had local Poor Laws of their own, but not the workhouse system. The subscriptions which were voluntarily paid, as well as the amount of the collections at the various places of worship, were paid over into the hands of two respectable farmers in each townland, and by them disbursed, and the result was, as he had already stated, that mendicancy was abolished. They were deficient only in one requisite, namely, that they could not compel the absentees to contribute. If they were armed with such a power, no poor law would be necessary in the district in which he resided. He was, therefore, an advocate for a more local system than that contemplated by the Bill. The unions were far too extensive. He should prefer parishes or less than parishes if possible, as sure he was, that the smaller the unions were, the better the system would be found to work. He much feared that the workhouse system would not answer. It was not congenial to the feelings and prejudices of the people. Besides, there was no provision made in the Bill for the moral and religious education of the children who were to become inmates of the workhouses. He also rejected that part of the Bill respecting the rate-payers under 5*l*. value. He did not object to the landlord being made answerable for the payment of the rate, but he feared it would hold out an inducement to the landlord to turn them out. When they came out of the workhouse, where were they to go? In his opinion, if they went into the workhouse, there they must remain for the rest of their lives. If the workhouse were built in the neighbourhood of waste lands, or where land was cheap, some advantage might be reaped from the labour of the inmates; but in the north of Ireland, where land sold at thirty years' purchase, the thing was impossible. A great deal had been said of the benefits arising from emigration. A vast deal had latterly taken place from the north of Ireland, which in his opinion had done much more harm than good. Nineteen out of twenty of the emigrants from the north of Ireland were people of substance, and carried out with them two, three, or four hundred pounds each. Another class was composed of working artisans, carpenters, masons, and the like, men, in fact, whose loss was sensibly felt in the country; but the paupers did not go; these were the persons to get rid of, but they would not stir. Private subscriptions were often opened for the purpose of sending them out of the country, but they would not go. In his opinion, employment was the great thing the people wanted. What was the reason that the north of Ireland was so much more civilised than the south? Because there was more trade, employment, and industry in the one than the other. And why, it might be asked, could not there be employment all over Ireland? In the south the climate was more genial and the soil considerably better. It was the want of security for life and property which kept the south of Ireland in the state in which it was. Give English capital security for life and property in the south and they would very soon give employment to the starving population. If those persons who had been unfortunately excited for party purposes, by having instilled into their minds feelings of recklessness and insubordination, if they were allowed to live peaceably under the blessings of the law, enjoying the security they would receive from it, the beneficial results would soon be felt throughout the country. He was not one of those who considered that the Poor Law Bill would act as a panacea for all the ills of Ireland; nor did he consider that it would relieve England from the infliction of the flight of locusts who visited England from Ireland, greatly to the detriment of the English labourer. If the hon. Member for Stroud, (Mr. P. Scrope) had been in Ireland, and had known the conduct of the landlords and gentry of that country as well as he (Sir R. Bateson) did, he was confident he never would have penned a foul libel upon them. He declared most solemnly that the imputation conveyed by the hon. Member for Stroud was not true — he declared most solemnly that it was unfounded and unjust, and if the hon. Member for Stroud would do him (Sir R. Bateson) the favour to come to the part of Ireland in which he lived, he would prove to him that the resident landlords of Ireland did not require to be compelled to give aid to the destitute, but that, on the contrary, their purses were as ready on all occasions as those of the landed proprietors of any other country in the world. He would go further, and say, that deeper calls were made upon their charity than in any other country, and that they were invariably responded to. It was not his intention to give any opposition to the principle of the Bill, though to many of its details he was decidedly opposed. He hoped in Committee some plan might be adopted which would prevent an influx of paupers from one district with another, which would have the effect, as he said before, of taxing the resident landlords for the crimes of the absentees. As the Committee, was, however, the proper place for urging these objections, he should not further trespass upon the House at present.

Mr. *Denis O'Conor* had always been of opinion that some legal provision for the poor was necessary. That opinion had been much increased during the present debate, even by the arguments of the hon. and learned Member for Kilkenny. The calculations of Mr. Nicholls were in his judgment erroneous, although he gave him every other credit. He thought that the power proposed to be given to the commission was a most extraordinary one; its effect would be, not to give a Poor-law to Ireland, but to give the Commissioners the power of making a Poor-law for it—of, in fact, distributing the whole wealth of the country. He thought, at the same time, that it would not suspend or put an end to the exactions on their neighbours which the poor now made; they would exact the same relief.

Mr. *Lynch* was of opinion that it was necessary to give employment to the people of Ireland; but, in using the term "employment," he meant permanent employment, such as would give an increased facility to the landlords of employing their tenantry. He thought that his hon. and learned Friend the Member for Kilkenny, if he knew Mr. Nicholls as well as he did, would agree that the zeal of that gentleman to serve Ireland was only to be equalled by his ability to do so. Destitution was not to be suppressed unless relief was given in a different mode to that suggested by the Bill. The calculations on which the Bill was based exceeded the whole amount of the population not occupying land in the year 1831, and would lead to the conclusion that every third adult person was in a state of starvation. These calculations did not take into account the labour of poor Irishmen in England and elsewhere, nor their avocations as fishermen or as other labourers, which they ought to have done. Mr. Griffiths himself had stated, that he had been compelled to stop his works in consequence of want of hands. He was of opinion that competition for land was one of the evils of Ireland. With respect to the remedy which emigration held out, he was not disposed to look upon it as likely to be extensively practicable. A family of fourteen persons had lately been sent out to colonize in New South Wales, and the expenses of their passage were 18*l.* a-piece. To give any sensible relief to the Irish by emigration a million of persons must be sent out, and see what the cost of that would be. He believed the evils of Ireland resulted from the misuse of the land in cultivation, and the non-use of education. The destitution and misery of the inhabitants was the cause of the non-introduction of capital, and till destitution was relieved, no capital would be introduced into Ireland.

Viscount *Clements* concurred in the principles of the present Poor-law proposed by his Majesty's Government for Ireland. There was one point, however, in which he could not at all agree, and that was connected with the power which the board or boards in London were to have of dispensing with the election of guardians. He was of opinion that the task of ascertaining who were and who were not destitute was one which it would be impossible to perform, and therefore he thought it quite right to look principally for the check of mendicancy by this measure. He did not believe that any able-bodied Irishman would ever go into a workhouse. He thought, however, that this Bill must be the first step towards providing for the poor. He regretted that it did not empower the guardians to give out-door relief in cases of sickness, because he thought that when a man was confined to his bed, it was just as good a test of his wanting relief as his readiness to enter into the workhouse. He did not approve of a law of settlement, till there was proof that the measure could not work without it. In this respect he agreed with the Bill, but he objected to the proposed size of the unions. An area of 400 square miles, and a population of 80,000 or 100,000 inhabitants was much too large. In England there was no union with a larger population than 30,000 up to August 1836, and the average was between 17,000 and 18,000. To show how this would work he would cite the case of the county with which he was best acquainted, Leitrim. It was 578 square miles in extent, and had a population of 141,584 persons. This would probably make, according to the plan of the Commissioners, an union and a half. He thought this part of the scheme impracticable. In supporting this Bill he was sorry to say, that he did not speak the wishes of his constituents. They were afraid of a Poor-law. The idea of being locked up in a workhouse was so uncongenial to the disposition of the Irish, that not the destitute but the rate-payers and farmers were against it. He hoped this prejudice would wear away; but an Irish Member who supported this Bill could not be accused of aiming at popularity, as he was bound to say the measure was most unpopular.

Mr. *Shaw* did not rise to enter into a discussion on the principle of the Bill, but to offer a suggestion for the consideration of the House. He was willing to give his Majesty's Ministers credit for having gone so far to conciliate both sides of the House on this question, but he did not think he could equally accord it to them for a knowledge of the right remedy. That Poor-laws were inevitable for Ireland no man could now doubt. The question then was, what system was best calculated for that country? He was afraid that his Majesty's Government could not, in this matter, move much beyond where they stood, because of their want of sufficient data to answer that question. They had brought the Irish people to believe that Poor-laws were absolutely necessary, but they had not as yet been able to make them unanimous on the best plan. In Ireland the opinions were various on the subject; and as yet there was no prospect of agreement. With respect to out-door relief, he thought it could never form part of any plan for the relief of the poor in Ireland, while wages were so low as they were at present. When the average of wages was only 2*s*. 6*d*. a-week the lowest out-door relief which could be given would absorb all the labour of the country. He thought it would be a matter of extreme difficulty to carry the Bill into effect this year. With respect to what had been stated of Mr. Nicholls's observations, he felt bound, in justice to that gentleman, to say, that he generally concurred in his views of the condition of the poor of Ireland. The general suggestion which he rose to offer was, that, though the public mind had decided on a Poor-law for Ireland, the public mind of Ireland was not yet prepared to decide which system or species of Poor-law was best.

Mr. *Wyse* said, that he could not agree with the right hon. the Recorder of Dublin in thinking that the discussion of this question should be delayed. On the contrary, it appeared to him to have reached the precise stage in which it was incumbent upon this House to take it up. Committee on Committee, commission on commission, report on report had amply discussed it. It had been for months past the subject of debate in every possible form—in public meetings and in the public press. It was now time that the constituencies of the country, reasoning on these various data, should, through their representatives in Parliament, express their opinions, and by mutual communication and comparison arrive, if possible, at some general conclusion. He (Mr. Wyse), for one, had waited for such occasion; he had always considered a Poor-law not as a panacea for the ills of Ireland, but as one remedy only, and he might say the last, which should be applied to her cure. He considered it as a means of extinguishing or mitigating whatever surplus of misery might be left (and such must be found in the best regulated communities) after other measures had been tried to restore her to sound health. To apply it before such measures were in operation, or, at least, likely to be in operation, appeared to him absurd. It was attempting to drain off the waters without looking to their fountain-head—attempting to suppress destitution, and still working actively to keep up the supply. Every man, it was said, who thought or spoke of Ireland was sure to bring his own patent and particular nostrum; and he did believe that few patients ever stood out against a greater number of physicians and consultations than Ireland. At the same time there was much excuse for this in the particular nature of her complaint. Her malady was not simple, but multiform, and arising from multitudinous and distinct causes. He looked therefore to distinct remedies; he knew of no universal one—no Morrison's pill (whatever political name it might assume) which could efficiently meet her case. He looked to see the Church placed on an equitable basis—tithe extinguished — education improved and extended—local government upon a liberal scale—civil and religious rights common to all—before he could hope that any good could come from a law which professed to succour the distress and abate the universal disorganization which the want of these very measures produced. As long as these ameliorations were refused he had always refused his assent, in common consistency, to so miserable a palliative as a Poor-law in such cases would be; and if now he was disposed, with certain qualifications, to give his support to that which his Majesty's Government had introduced, it was from the deep conviction he felt that they were both willing and able to carry out such preliminary accompanying measures of improvement to the fullest effect of which they were susceptible. He had said, that the causes of the disorganization of Ireland were various; they might, however, be reduced to a few great heads. Religious and political differences, ignorance, and physical destitution, were amongst the principal. These again proceeded from other causes on which he would not touch. Many hon. Members had in the course of the debate deprecated all reference to our religious and political dissensions. He felt as much gratified as any hon. Gentleman at seeing the present discussion carried on without anything of their acerbity; but he could not help thinking that all omission of such reference, for fear of rousing such feelings, would be passing by what he considered, in common with the hon. Member for Kilkenny, the very essence and pith of the subject. A gallant Colonel (Conolly) in an early part of the debate laughed at the idea that the penal laws under which Ireland formerly groaned could have at present any influence on the condition of her people. He must have read history to little profit if such was really his opinion. Effects were not always to be got rid of simultaneously with their causes. The religious wars of Belgium and Holland—of the Protestant and Catholic states of Germany — of the Catholics and Huguenots in France —left behind them, in the social relations of all these countries for years after, the most painful traces. How stood the case with us? Were not still stronger evidences of the old oppression visible in Ireland? Was it not notorious that a country in which there was a constant war going on between rich and poor, in which there was no intermediate or middle class to separate them—in which the rich feared and the poor hated—was one of the most disorganized, the most perilous, and naturally the most destitute which could well be conceived? Was it possible that this should not be the case, when two races and two religions—distinct, if not opposed—were placed front to front—where the rich were of one race and faith, and the poor of another—where every means were taken to keep up this opposition and hostility—was it possible, he should say, that in such a state such a war should be in constant and most injurious action? And was not this precisely the object and precisely the result of the penal code? It confiscated and excluded; gave the land to the Englishman and the Protestant, and prevented the Irishman and Catholic from purchasing or leasing it. It interfered with the fair accumulations of commerce, by surrendering the manufactures of the country (as in the case of the woollen trade) for the privilege of larger oppression—by driving the Catholic merchant and tradesman to foreign countries—by depriving him of every end in which accumulation is valuable—of every object of honourable ambition. It has struck at both classes—made the lower classes nearly serfs and expelled or reduced the middle to the lower. These laws had doubtless been abrogated. It was no longer penal to take leases beyond thirty-one years; but the spirit which dictated them was not abrogated. They saw it, in will at least, in the continuance of tithes —in the refusal of municipal rights—in the separation kept up between the Protestant proprietor and the Catholic population—in the long exclusion of Catholics from office—in the pretensions still maintained, in one shape or other, of national or religious superiority. The statute book had indeed repealed them, but in the heart of the country neither the law nor its consequences were gone by. Another cause, concurring with the former, was the ignorance of the population. Let not hon. Members be startled at this assertion, accustomed as they were to eulogies on the progress of Irish education. In some acquirements the Irish were at least equal to their English neighbours—in native intelligence perhaps beyond them; but this might all be, and the Irish, for all purposes of social life, be yet ignorant. Did he blame them for this? Very much the contrary. The blame lay not with them, but with their rulers—not with Ireland, but with this country. The hon. Member for Kilkenny had said, very truly, that the penal code had decreed ignorance; by means of education, in attempting to proselytise, they had actually barbarised the country. Such was the result of all their compulsions and prohibitions. The schools of Henry 8th and Elizabeth were intended to make the Irish English. They failed, in despite of the efforts of William. William attempted to make the Catholics Protestants, by rendering Catholic education a misdemeanour and felony, and he failed, despite of the still more stringent laws of Anne, and the atrocious charter schools—to be compared only to the modern anti-Polish expedients of Nicholas—of the George's. Then came a host of societies, all affecting to instruct, but really intending to convert, from the all Protestant society for the suppression of vice down to the mitigated Protestant society of Kildare-place. A board of national education has superseded these clubs of individuals, but education, really such, is as yet scarcely begun. Schoolhouses are to be had, but where were the schoolmasters? Was the course of instruction yet really appropriate to the Irish agriculturist? Where were the habits of order, punctuality, forethought, frugality—the skill in managing to the best account his domestic concerns—of putting out to the greatest advantage to himself and to his country his physical, intellectual, and moral resources? Reading and writing there might be, but reading and writing without this will not go far, or, at least, not farther than to render evil quite as probable as good. Unless these habits were planted in the child, they could not expect to find them in the man; and unless they found them in the man, how would it be possible, under the most favourable circumstances, he should like to know, to prevent disorder and destitution. It was the very want of these qualities—and this very want was produced from no education, or miseducation—which up to this hour, under the form of improvident marriages, negligent cultivation, wasteful expenditure, and utter disregard to patient savings—had so largely contributed to swell the mass of Irish pauperism and mendicancy. A third cause of Irish disorganization was this very pauperism itself, produced by the causes already stated to the House, but by many others also, in combination with them. It had usually been attributed to excessive rents, over population, and absenteeism. Much qualification, however, must be made to such assertions. Travellers through Ireland, noticing solely the condition of the cultivator, and judging hastily from the position of society in this country of what it was in Ireland, referred the distress they witness, as they would be justified in doing here, solely and exclusively to the proprietor. But how stood the case in reality? With us there were two classes of landlords—the proprietor and the middleman. The middleman system, originally planted by the adventurers of Cromwell, had encreased in proportion to the distress and insecurity of the country. A proprietor, wishing to get rid of the annoyance of residence and collection, and moreover to secure regular and large payments, consented to give up, for a certain per centage of profit, to a capitalist, or presumed capitalist, the dominion over his estate. If it stopped there, the evil would not be great; but the sub-landlord soon imitated the proprietor, and thus a succession of intermediate masters was produced between the proprietor and the occupier, most of them non-residents, and receiving each their profits—each defrauding, on one side the proprietor, and on the other the occupier of the soil. Thus it was, that on opposite sides of a road in Ireland, on the same land, under the same landowner, they often met two distinct and opposite conditions of the population—a comfortable farmer here—a miserable race of paupers there—not the creation of the landowner, but of the intermediates—one paying perhaps 30*s*. per acre, and the other 10*l*. a year. Nor could it well be otherwise, for the land was given for labour. The land rated at the very highest, and the labour at the very lowest possible cost. The landlord himself did not fare much better: the very object for which the system was first introduced was not attained. The middleman has long ceased to be a good mark; it was often now more difficult to obtain from him, or rather his attorney-agent, payment of rent than from the smallest tenant on the estate. The operation of the change of times was gradually clearing away this class from the land. The non-subletting act and the painful experience of landlords will probably prevent the recurrence of the evil; but, in the interval, both show such system still endures, and where property was passing from it to another, great inconveniences and often great misery was created. When a lease drops a landlord often finds his ground covered with hovels and wretchedness; he cannot allow the race to eat up, locust-like, the soil; neither can he, or ought he in mass to expel them. It was then that emigration became essential, provided it were used with judgment and good feeling. Where the landlord was not thus situated there was no difference between him and the landlords of England. Generally speaking, he did not receive more rent. Taking into consideration the difference of average, the difference of local and national imports, the difference of wages, the difference of soil, he should rather say the Irish landlord received less. Why should that be? The produce was exported—there was the same market (less the transit) for both countries. The only accountable cause was, that the produce was different in quality or quantity. There were few complaints of its quality. With regard to quantity the soil did not produce as much. That was the fault of the cultivator, who had not sufficient capital or skill. The capital of Ireland had however, been greatly underrated. More than 18,000,000*l*. had been transferred to the English sloths. The Irish peasant accumulated but he hid his accumulations; they lay buried in old stockings under his bed, when, under other circumstances, perhaps they would have been seen displayed in his house or on his land. But this again was the result of habit—the sure offspring of bad government. When on the expiration of a lease it was customary to put the ground up to auction, and the very improvements made, were only likely to increase the price, it could not be expected he would thus contribute by his outlay to the loss of his farm. This was only to be remedied by other conduct on the part of the landlords—better division of the charges which belong to each party—the landlords taking care of the permanent such as houses, walls, &c the tenant of temporary, such as improvement, manuring, planting, &c., of his farm. There was another class, however—the labouring—not affected by this. They had been mixed up too much with farmers; and it had been greatly to their disadvantage they had not been kept apart; but whether apart or not, their profits must come from labour—and the great point to be considered in their regard was employment. It was a matter of surprise and censure that landlords did not permit this employment. But there were many without knowledge or means either to furnish or direct it. During the war lands rose—landlords calculating on this new state as a permanent one, regulated all expenditure and charges in proportion. The peace came, rents fell, but the charges remained. The Peel-currency Bill increased the difficulty. There were no means, in consequence of the state of the country, to borrow, as in England, at less interest. The mortgagee kept the mortgager strictly to his engagement; and thus, in many cases, all surplus being swallowed up, the landlord stood in the position of an agent only, between the creditor on one side, and the tenant on the other. Nor was the effect of excess of population or absenteeism less exaggerated. The population was excessive in some localities, compared to actual amount of produce, but not to the productive powers of the soil. This was to be remedied by raising these powers, and giving them full scope and play, by improving land actually in cultivation, or in cultivating more. The first must result from skill, the second is proposed to be provided for by home cultivation. The efficacy of this measure, more immediate in the mind of some than the former, depended greatly on circumstances: cases may exist where it may be highly advisable. It was true that land already in cultivation in Ireland would yield a larger profit, by being cultivated better, than lands now waste, by being reclaimed. But it might so happen that these waste lands may be at a great distance from lands susceptible of high cultivation, and in that case the objection could scarcely hold. Again, there was their management: the choice of site, of tenure, of occupiers, of labourers, of administrators, are all matters so important as absolutely to determine whether such expedient be good or bad. In a late visit to Belgium, opportunities were given him (Mr. Wyse) of examining into this very question. The home colonies of Belgium had completely failed, and those of Holland, much as they have been praised by former visitors, were failing. The causes, however, are very obvious: devoid of a soil, sandy, and irreclaimable, except at enormous expense; occupiers not fitted for agricultural pursuits—tailors, shoemakers, &c., &c., from towns, bad distribution and appropriation of houses, lands, &c. The result was, that they were obliged to surrender their lots to the managers, and to borrow money, repaying it by labour, but not allowed to quit till the whole they had should be repaid. The consequence was, that out of some hundred free families originally introduced, they had become, in a manner, serfs, with the exception of five. It was not asserted, that this would be the case everywhere—on the contrary, the Mount Melleray establishment, in the county of Waterford, exhibited at this moment a complete contrast. It was only urged that, in employing such an expedient, every caution was to be used. The same attention was equally requisite in conducting emigration. The solution must, if possible, be made on the principle of Mr. Price, Lord Lansdowne's agent in the Queen's county; provision must be had for safe, quick, and cheap passage, and, above all, provision for locating the emigrants on their arrival in the colonies. A society had been established within these five weeks past with such views, but Government should co-operate as well as individuals. Unless some such precautions be taken, the emigrants will return, as they had often done, to Waterford, with ruined health, character, and means—more turbulent and destitute than when they set out. The execution of public works was urged as an accompaniment to this. It required, as an instrument for keeping up supply to the level of the population, no small care. In a country in a high state of improvement too great an impulse to public works might be unnecessary or injurious. But Ireland was in arrear. When a communication once opened, as at Kanturk, brought rude districts into communion with more civilised ones, thus producing new events, new tactics, new comforts; when all these, demanding greater consumption of exciseable articles, had naturally presented greater interests to the revenue, even the Exchequer itself, with all its proverbial parsimony, could scarcely object to it. But these, and other remedies, it was apprehended, would be useless without residence. Too much stress appeared to be laid upon this point—it entirely depended upon the nature of the residence. In a fiscal point of view, absenteeism had been exaggerated. Yorkshire, before the new improvements in communication, was, as to all results, more distant than Dublin or Waterford at present. How would Englishmen have stared at a tax being imposed upon any of these Yorkshire proprietors who ventured to pass a year in London? The amount, too, was much less than was usually estimated. In the county of Waterford, at least, there was not a single family mansion vacant—at the same time, the moral evils of absenteeism could not be too highly rated. These, at all times great, were enormous when the deputy of the landlord was one of those land corsairs, law and land agent at the same time, in the shape of a money-lending attorney, who imprisons the tenantry in his chambers in Dublin—sowing animosities, that he may reap litigation, ejecting tenants to justify costs, and taking every due care that the complaints of the occupier shall not reach the landlord, nor the benevolence of the landlord redress the occupier. The usual course of such deputyship and such absenteeism was much immediate embarrassment to landlord and tenant, and the final transfer, when the season came, of the estate from the hands of the careless employer to that of the faithful servant. Such a state was one of great social injury; but it was only by the remedy of these evils bringing about more knowledge and exertion amongst proprietors, and not by tax or by penalty, that it could be finally removed. There were clear remedies for these and other evils, and these remedies applied, or at least prepared, we could then think of Poor-laws. But the first thing in making any arrangement of the kind, ought to have been to see whether we had any materials already, and how they might be disposed of to the best advantage. Now, Poor-laws they had in Ireland, answering every characteristic which a Poor-law might be supposed to possess, such as county infirmaries, fever hospitals, district lunatic asylums, dispensaries for the sick, and for the destitute, houses of industry and mendicities. These, however, were not as efficient as they ought to be—they were under a great variety of managements—supported by a variety of means—regulated by a variety of laws—they were ill arranged—ill located—ill administered. The old code should be repealed, and a new one, consolidating the best part of the old, instituted in its place. One uniform system should be established—where they were too numerous or close, they should be divided, where too few, others should be added to the old. There were, besides, numerous other charities on individual and corporate foundation. These, at present, were under the inefficient control of the Board of Charitable Bequests. They should be examined and applied by better arrangements to the greater benefit of the greater number, and placed under the same control with those already mentioned, that is, under a central body in Dublin, co-operating with local bodies on the spot. For the surplus of destitution which these might still leave, the workhouse system might be employed, but, under the form presented in the Bill, it would be exceedingly difficult work. It was a mistake to suppose there would be any repugnance in town to fill those asylums. Admission even to the houses of industry (to which they would not be inferior) was, at that moment, in all large towns, an object of competition. There had often been forty applicants, in his recollection, for two vacancies. Then, again, were the rate-payers to have no protection from these increasing claims? Was it just that the kind and judicious resident landlord should be taxed for the delinquencies of his absentee neighbour? Was it fair that the well-ordered city should be subject to the inroads of the mendicancy of the adjoining counties? Waterford was bounded by not less than three or four, and was, moreover, a sea-port. Was it proposed that all applicants appearing in its streets should be thrown for their support on the already heavily-rated and industrious inhabitants? This would be reducing the payers very soon to the condition of those for whom they paid. It would make both classes one—it would melt both into beggars. The law of settlement was, no doubt, beset with inconveniences, but this was more than an inconvenience—a downright wrong. No mode appeared calculated to avert the difficulty, but giving ample powers to the guardians to refuse as well as to admit taxing the country generally, and allowing the guardians for each place to decide as they might require; but what became of local assessment, and consequently any great interest in local control? There was another point to which he should admit provision was proposed to be made, for the education of the children—but where? In the workhouse itself! So objectionable and injurious does this appear—so certain to generate vice—so complete a guarantee for a race of oppressors, from father to son, that also he considered it absolutely necessary some alteration should be made, and he (Mr. Wyse) if no one else would, would see it attended to by amendment in Committee. There were many other defects and objections which he reserved for the same opportunity, but he could not avoid noticing this new instance of an error, in his mind unpardonable, but still predominant through the whole of our legislation—he meant the exceedingly defective machinery for all such purposes which we actually possessed. In this particular, both as to proper local bodies, and a proper valuation, without which he could not contemplate anything like fair assessment or fair expenditure, he blushed to think that a constitutional nation like ours was so far behind that of most of the nations, absolute as well as constitutional, of Europe. In Ireland there was no parochial, no municipal, no county representation. In the parish there was nothing analogous to the voting in England; the Municipal Corporations were still close, and the counties, had in the grand juries a mongrel institution, composed of the narrowness and oligarchy of the nomination principle, and the hastiness and ignorance of the populace in mass. This could be easily comprehended by knowing the object and opinions of the originator (Lord Stanley), who, in his horror of representation, ran into the vices of both extremes. How different was this from Prussia, Wurtemberg, and Bavaria, which had local representative bodies to assess and expend at every step. The worst of all this was, that not being able to do without some bodies, we got up a special extempore machinery for each particular measure, clashing with and confounding each other, instead of having our bodies already organised, and deferring to them new duties or functions in proportion as they might arise. Nor was our valuation system better. Each country had a different one, and almost all were bad. When the evil had become enormous, Acts of Parliament had been applied for. But why leave this to the individual or to the county? Why should there not be an act for all? It was ludicrous to see the various scales which were alternately set up—sometimes the county cess—sometimes the composition acts—all notoriously incorrect for any new scheme of taxation; when a redress of the evil was hinted, these were put off with the ordnance survey, which might terminate in ten years, but when it did terminate, would have to begin again, for the survey of the first part would in the interval have been subjected to various changes, and bear no adequate proportion to the last. No other nation had acted, though absolute children in legislation, in so absurd a manner. They required, before they ever thought of assessment, a just scale of proprietary and occupying interests, and, moreover, that required to be revised and corrected on the most accurate scientific principles every ten years. But he had already troubled the House too long—he should now conclude. It was because he hoped and trusted that his Majesty's Ministers would heal religious and political dissensions by a free and fearless communication, to all classes and persuasions, of civil and religious rights, that they would unshackle the means of the landlord, encourage the industry of the tenant, raise production by stimulating industry, and open new sources of employment and enterprise, by emigration, colonization, and public works, that he now consented to support their Bill. Under other circumstances, he should have opposed it. Without these measures it could not have cured, and he much doubted whether it could have even palliated the evils of Ireland.

Mr. *Lucas:* I entirely concur with the hon. Member who has just sat down, in deprecating any delay with regard to the present measure. We are now in a favourable conjuncture, both as regards the great demand for land throughout Great Britain, and as regards the temper in which the promulgation of this Bill has been received throughout Ireland. If we let slip this favourable opportunity, who can say when it will occur again? The hon. Member for Waterford city has congratulated the House on the manner in which this subject has been discussed here. I think we have still greater cause of congratulation in the manner in which it has been received by all classes in Ireland. No intemperate meetings have taken place, no party sentiments have been expressed—all seem to await with calmness and content the further maturing of this measure. This is the more creditable to one class at least, because the landlords of Ireland cannot fail to be aware, that whether this measure be good or bad, the burthen of it will mainly fall upon themselves. It will fall upon them in two ways—as rate-payers contributing to the tax, and as landlords to whom will still be left the relief of their poorer tenantry. For by the provisions of the Bill, no relief is to be given to those who hold land; and many struggling tenants will always call for indulgence from a landlord, long before they are in a condition to be aided by public relief. The temper manifested, therefore, in Ireland, with regard to this measure, affords a reasonable hope, that there is every disposition to receive it with favour, and to carry it into effect with willingness and impartiality. It is almost too late to take notice of the objections that may be made to a Poor-law for Ireland; with the exception of the hon. and learned Member for Kilkenny, no one has spoken against it; and in this general concurrence, and at this late hour, I shall not further advert to them, but proceed to the details of the Bill. The first is the management by the Commissioners for England, with an addition to their number. I think it is more desirable to trust to those who have carried the amended English law into effect, and who are remote from local influence and prejudices in Ireland, and, what is almost equally important, remote from the suspicion of them, than to appoint an Irish board, who, with more knowledge of the country, will be attended with opposite inconveniences. Ignorant in some respects, the English board will, no doubt, be for a time; but that will be a temporary evil; and their management will secure a uniformity of principle and practice throughout the empire. I do not object to the power given them of appointing guardians; since it can only be exercised in case of the rate-payer declining to appoint, or the guardians declining to do their duty. In regard to the manner and proportion of rating, I think there is much that is objectionable. In a new and important measure, it is surely of the greatest consequence to enlist into your service all means of success. If there be party feeling, or if there be classes who are likely to be adverse to the working of your Bill, it is desirable to enlist those party feelings and those classes into your service, by giving to every one, if it be possible, a direct interest in your success.

Now, if you take one class and make them pay—if you take another class and say they shall not pay—and again, if the class who pay to the fund are not likely ever to receive from it, and if the class who are not to pay are those whose friends and connexions are likely to receive from it, it appears to me that you are doing that which is most likely to defeat your ends. I conceive that your principle of rating does this: you rate those who hold land of 5*l.* value, you exempt those whose lands are under 5*l.* value. If it is your desire to exempt the poor and tax the rich, that is a humane object: but even that will not, in my opinion, be attained. A reference to the Commissioners' reports will shew that between the two classes you are separating, there is no natural or real distinction. The Commissioners say, in Munster the great majority of farms are from one to fifty acres; in Ulster eight to twelve; in Leinster one to five—and in Connaught subdivision is still to a greater extent. Let us see whether this statement holds good in the county of Monaghan, which I represent, and which may form a fair average of the province of Ulster. There are in this county 323,660 acres, and 195,000 souls. This, at five and a-half souls to a family, gives 35,500 families nearly to the county. As some of these do not hold land, we may reckon 32,000 as the number of landholders in the county; and that will give in round numbers ten acres to a farm. Taking, then, the value of land at Mr. Griffith's statement, of 14*s.* 2*d.* per English acre, the average value of farms in this county will be 7*l.* 1*s.* 8*d.* How are you justly to divide into rate-payers and non-rate-payers, a set of farmers averaging 7*l.* in rent and ten acres of territory? But is this calculation a just one or not? I have here a statement of two estates chosen at random, from which it will appear that the actual fact is little different from the calculation I have made. On one of these estates the farms average thirteen and a-half acres; on the other twelve and one-tenth acres. According to the average of one of these, a government union of 400 miles would contain 10,000 voters of 5*l.*; and 2,660 farmers not voting, as holding under 5*l.*; on the other, there would be 10,140 5*l.* voters, and 10,760 not voting, as under 5*l.* Can it be said that there is any real distinction between these classes in wealth, in station, or in education? And if not, why will you draw a line of opposition which will set the two in conflict with each other? The 5*l.* holder has a vote, and pays a rate; the holder of 4*l.* 19*s.* pays no rate, and has no vote. Instead of encouraging industry as you desire, this clause is a premium to sloth; for if the 5*l.* farmer neglects his house or land, next year it will be rated under 5*l.*, and he escapes the rate. Will it not be wiser to tax all in the same proportion, and to encourage improvement, by encouraging the 4*l.* 19*s.* holder to improve his land and become a voter, rather than promote an opposite system? Neither will it be humane to the tenant; for the landlord, whenever he has the opportunity, will increase the rent of the 4*l.* 19*s.* holder, to remunerate himself for the poor-rate he will have to pay; or, what is worse, he will gradually get rid of them, and have persons on his land who will pay a share of the rates. The extent of unions is a point of very great importance. I consider the Government scale quite unmanageable. On 400 miles, or 256,000 acres, you will have, according to the statements I have read to you, 29,085 families, and about 10,000 voters. How can any guardians look after such an extent, and how can such a number of voters come to any intelligible vote, either as to guardians or any other question? I conceive that these must be greatly reduced in size, so as to enable farmers to know their district, and guardians to manage it. It does not follow that workhouses are to be increased in the same proportion. The proportion of payment between landlord and tenant has been the subject of great diversity of opinion. The Commissioners say, the landlord two-thirds, the tenant one-third; the Bill says one-half each, with a graduated scale; the hon. Member for Kilkenny says, the landlord all, the tenant none; the law in England says directly the reverse; the law in Scotland says half-and-half. I conceive the last is the fairest proportion; giving both an equal interest in watching and economising it. The most important point is the law of settlement. If by this should be meant the old English law, confining the movements of the poor, and rendering them liable to be shut out of districts where they were gaining a livelihood, I should submit to any burthen rather than enact such injustice. But I think means may be devised of rightly apportioning pecuniary charge, without in any degree controlling the free right of migration; and the subject is one deserving the most serious consideration. For what can be more unjust than that the inhabitants of a northern district shall maintain, out of their pockets, 1,000 workmen from the south or west, who have come on a speculation of work, which perhaps may have failed them, or been completed? And, although that work may have been of use to the country at large, yet the poor of the district will have been excluded from the benefit of it, shut out by the low prices of the strangers, whom they are called upon to support. The mode of valuation is not distinctly described. Either valuation must be made exactly, or it must be made speedily. If a fair average were struck in each parish by competent surveyors, which would not be a long operation, the individual farms could be rated upon that basis, according to the relative value ascertained by the tithe valuation. Unless some such mode be adopted, great delay will ensue; and in that case nothing can be so exact as the ordnance survey. There are other details which I could wish to enter into, were not the evening so far advanced, and other opportunities, perhaps, about to occur. I shall give my humble assistance, in every stage, to forward the wise and charitable object contemplated by the Bill; I believe this to be the universal feeling of the House, from which it is not unreasonable to expect success. Difficulties surround every part of the question, but I hope and believe they are such as can be overcome. For my part I shall give every assistance in my power; and if it shall be my fortune to forward a matured measure that can, on the whole, be considered as wise and humane, I shall consider my vote in its favour as the greatest advantage I can ever derive from the honour of a seat in this House, and the moment of its passing, the happiest I shall ever enjoy within these walls.

Mr. *Pryme* would oppose the Bill in every stage. It was brought forward in opposition to the Reports of the Committee. The English Poor-law Bill worked badly, and, in his opinion, the introduction of this Bill into Ireland would be pernicious in its tendency. His chief objection to the Bill was, that all money raised was diverted from one channel to another. If you raise 100*l.*, you take it from the employment of productive labour, and you place it to the relief of the unemployed poor. The people of Ireland merely suffered from want of employment; supply that, and labour would not be superabundant in the market.

Sir *Robert Peel* said, he begged to differ from the hon. Gentleman who had just sat down, as to the reason he had given for objecting to the principle of this measure. It appeared to him, that if the objection the hon. Gentleman had urged were valid with regard to an Irish Poor-law, it would be equally so against any Poor-law whatever, because it was utterly impossible to raise money for such a purpose, without, in some degree, diminishing the fund to be expended in the employment of productive labour. The same objection was applicable to every case in which money was raised by way of a rate. It was urged that a Poor-law in Ireland would put an end to all private charity—to all voluntary acts of relief—because it took away from the fund which would otherwise be devoted to the employment of labour; but he apprehended that the just object of a Poor-law was not the employment of productive labour, but the establishment of a provision for the poor in cases of extraordinary destitution. It could not, however, reasonably be expected, that, even were employment so general that the most active stimulus to industry existed, there would not always be some cases where destitution, want, and misery would have a strong claim upon the benevolence of charitably-disposed individuals. If, then, such was the case, it was not fair to say, that one class of persons should, from their charitable motives, be driven to the necessity of maintaining the destitute. The real object of a Poor-law was to provide for the destitute, and the moment they carried the principle of a Poor-law beyond that, then it would be that they would be rendering it open to the objection of the hon. Member for Cambridge. Let them go back to earlier times than the date of the 43rd of Queen Elizabeth; let them go to the reigns of Henry 8th, and of Edward 6th, and they would find that the necessity of compulsory relief of the poor and destitute was even then felt. Parties, in the first instance, were asked before the clergy for voluntary contributions, afterwards sent before the bishop, and then before the justices of the peace, by whom, if they still refused to give them, they were liable to be committed. So that even, at that early period, they did, in fact, avoid the imposition of an unjust and unequal burthen—of a burthen that bore heavily on any one particular class. They did, at that early period, show by their ultimate application of a compulsory principle what were the effects of a mere reliance upon voluntary contributions. At last they were obliged to have recourse to the 43rd of Elizabeth, to the principle, in fact, of this Irish Poor-law Bill, for the purpose, first, of insuring some regular and systematic mode of relief in cases of destitution and want; and, secondly, of equalizing the distribution of the burthen with reference to those who were to bear it. It was his intention to vote for the second reading of the Bill, and he did not agree with the hon. and learned Member for the University of Dublin in urging the expediency of delay. But though he intended to apply himself to the consideration of the details of the measure in Committee, yet it would be uncandid on his part if he did not state, that he had considerable doubts as to its results being by any means so favourable as was anticipated. So universally, however, was the feeling that a Poor-law should be tried in Ireland —so general was the demand for some measure upon the subject—that it would be inconsistent with justice not to listen to the appeal; and, as it had become absolutely necessary that the experiment should be made, the sooner that experiment was made the better. He did not think that any doubt as to the consequences of the Bill, afforded a sufficient reason for delay, and those doubts would not be removed by their remaining longer than was necessary on the threshhold, as it were, of the measure. It was better first to make the experiment, and then to found upon experience of its consequences the basis of any alterations that might seem to be required. The best way, he believed, was to make the experiment at once, and, though he was ready to admit that he had doubts as to the result, yet he would not let them operate with him so far as to lead him to think them a cause for delaying the trial of the measure. They had had Committees and Commissions who had reported upon the subject, and if they were not now ready to decide upon the principle to be adopted, he feared that the intervening agitation might excite the public mind in a manner which would be highly prejudicial to the fair trial of the experiment; and he much doubted whether delay would tend to throw any greater light upon the question. Under these circumstances, he repeated he would vote for the second reading of the Bill, and he hoped it would be allowed to take precedence of many other measures, and that, under the auspices of the noble Lord, it would be allowed to proceed as quickly as possible, and be discussed in a calm and dispassionate temper, and with the absence of all party spirit. Some hon. Gentlemen said, and with some reason, that the favourable results of the English Bill were presumptive evidence of the satisfactory issue of the present. Now, they had tried the workhouse sytem in England, and some of the results of the English measure were already under the consideration of the House. He had voted in favour of that Bill, and he always would support it, whether such a course were a popular one or not; but he was bound to say, that the experiment of the English Bill was made under circumstances far more favourable than those attending the introduction of a similar system into Ireland. Up to this year employment had, in England, been general, and the demand for active industry great. But, in connexion with the application of a similar measure to Ireland, there were important considerations to be attended to. He saw all the evils and all the disadvantages of applying a settlement to Ireland in such a manner as to confine the ideas of a people fond of emigration within certain limits. Labour, in fact, was nothing without capital, and to discourage the removal of it to wherever there was the greatest demand for it, would be an effectual obstacle to active industry. On the other hand, it was impossible to tell what the effect of this workhouse system might be, provided out-door relief were had recourse to. There might be certain parts of Ireland where they might give the people a right of settlement with advantage; and if, in the large towns and seaports, where the idle and vagrants were chiefly to be found, a natural connexion with the soil were given to them, the whole burthen of their support might then fall upon the places to which they preferred to belong. But the Bill refused relief except within the workhouse; and the poor of Ireland were about to be deprived of the same relief as that to which the poor of England were entitled; and this was attempted to be justified by the argument, that the English poor were entitled to relief by prescription; that was, however, a nice distinction, inasmuch as it was clear, according to the construction of all law, that the English poor were entitled to relief by law as well as by prescription. But what was to be done when the workhouse was full, if no relief were to be afforded beyond it? That alone was sufficient to show, that they could not act rigidly upon that principle. He was afraid they would find their unions too large. He doubted whether, the principle of relief within the workhouse being once admitted, the system of excluding parties, living at a distance of perhaps fourteen miles from the workhouse, would not prove that the unions would be too cumbrous. There was another principle of the measure to which he wished to advert. It was very discouraging that no one member of a family who was destitute should be admitted within the workhouse without the whole of his family going with him; so that where one member of a family of even ten children chanced to be disabled, that one could not obtain relief without that relief amounting to a provision of board and lodging for the other nine. The necessary consequence of this would be, the workhouse would soon be full, and three-fifths of the inmates would be active and able-bodied persons. Mr. Nicholls had drawn up his report with great ability and intelligence. He was a man of great personal integrity, and the whole tenor of his life disproved the assertion that he had any interest in party politics. He must say, that, to have heard such a man accused of party feeling when repairing to Ireland on so difficult a subject, was to him a matter of surprise and astonishment. Mr. Nicholls said, in his report, that, as they would, according to the system he recommended, be able to compel all to attend to their natural duties, they would then be enabled to take sufficient measures for the suppression of mendicancy. He thought that the principle on which they went was not sufficiently wide to establish these two propositions. It would be difficult to perceive the consequences which this would produce at first, for some few years, in the position of the poor. By establishing a system of poor-laws they would do away with those charitable contributions by which the poor at present existed; and he must say, that the social system in Ireland should be much purified before that was done. If they were once to create an impression that, because a man paid Poor-rates, he was no longer bound to exercise the principles of charity, much evil might ensue; and he also could not help feeling that such a course would be calculated to call into greater activity than it now was, the process of summary ejectment on the part of landlords against their tenants. This measure went to state that the whole of the destitute poor would be provided with board and lodging in the workhouse, and would not that operate to increase, on the part of hard-hearted and oppressive landlords, the disposition to get rid of such of their tenants as might be in poverty, and unable to pay their rents? This was a point well deserving of attention. It would be improper in him to give his assent to the present Bill, without stating what he thought its practical operation would be, but if they asked him what other measure he would propose to remedy the evils and check the abuses complained of, he should find it exceedingly difficult to answer such a question. He was well aware that it was more easy to relax than to bind, and, therefore, he was willing to admit, that if any attempt were to be made, the experiment should be, in the first instance, as rigid as possible. If it were wise to apply a system of Poor-laws to Ireland, where poverty was so widely spread, and so large a portion of the inhabitants were in a state of destitution, he fully concurred that such a step should be taken with extreme caution, and this consideration it was, that would induce him to support the present measure. He was of opinion that the proposed means would be too large; but still, as it would be easier to decrease than to extend them, he was disposed to agree, that the more rigidly they proceeded at first the better. He entertained some difficulty with respect to giving out-door relief; but, balancing his doubts on this head, he would yield to the present proposition, because he was aware that no system could be suggested which would be entirely free from objection. Thinking, that if the experiment of giving Poor-laws to Ireland were to be made at all, it should be tried at once, he should forego his doubts, and support the motion for the second reading of this Bill; and all he would add, in conclusion, was, that he should gladly co-operate in remedying whatever defects might exist in the measure, and rendering it as perfect and as capable of working well as, under the circumstances they could possibly hope to render it.

Lord *John Russell* said, at that stage of the Bill, and the late hour of the night, he would not go into the details of the Bill, but would make a few observations in reply to some of the objections urged. He did not regret that these objections had been urged, because he thought it very useful that objections should be stated, and that such a course was likely to be conducive to the adjustment of the different parts of the measure. The more convenient time, however, for expressing his opinions on these points in detail would be, when the Bill went into Committee. He thought the right hon. Baronet had stated with perfect truth, what he was sorry to say had often been lost sight of in discussions on the English Poor-laws, and Poor-laws for Ireland, viz., that a Poor-law was not a general law for providing employment. That had been the practice for some time in England, and it had latterly been fostered to such an extent that recourse was had to the Poor-law to make up the deficiency in wages, and provision made for a deserving man with a large family by means of a compulsory rate, instead of encouraging him to provide for himself and family by his own individual exertions. He thought this was a great mistake as to the intentions of a Poor-law. It had led to great abuses in England, and he should therefore be sorry to see a Poor-law established one of the objects of which was to find employment for labour. He thought the great advantages of a Poor-law were, first to relieve the extremely destitute, which in another state of society might be left to starve; and another was, that it gave a right to the constituted authorities to prevent vagrancy and imposture. It had also a beneficial tendency in another respect, by bringing the land-owners and the labourers into more frequent and closer contact, and by connecting them together, thus giving greater social strength to the whole. With that view of a Poor-law, and at the same time taking no exaggerated view of destitution in Ireland, he thought it would be of very great advantage to that country. With regard to what had been stated of Mr. Nicholls, by the hon. and learned Member for Kilkenny he wished to say a few words. He was bound to say, that the report, of that gentleman was extremely deserving of attention. Mr. Nicholls did not take upon himself to supersede the report of the Commissioners, or propose a new plan. It was well known that the question was one of great difficulty. A report was made by the Commissioners last spring, and on considering that report his Majesty's Ministers had serious doubts of the practicability of many of the parts. These doubts only increased when they were referred to Mr. Senior, who was competent, from his experience and ability, to judge of the proposition made in that Report. It therefore did occur that so far as respected the Poor-law, they should not attempt to apply the principle of the English Bill to Ireland. The principle which they therefore proposed to adopt was, not one which might be suitable in England, but one which was consonant with general reasoning, and which might be applied in any country where a Poor-law was to be established. That being the case, the Government thought it would be better to employ a gentleman well acquainted with the subject. He was accordingly requested by the Government to employ himself on the subject, with a view to inquiry; and on that request Mr. Nicholls undertook the journey to Ireland, and entered on the task with a degree of ability, zeal, and attention alike beneficial to the public service and to the people of Ireland. With respect to out-door relief, he must say he was opposed to it. He did not wish to begin by sanctioning out-door relief, because he saw it would be dangerous in any country, and more particularly so in a country like Ireland. From a report made by the Mendicity Society, it appeared that the society had great objections to such a plan, on the ground that it would establish a system similar to that which lately existed in England, when one-half of the wages was paid by the parish, and the other half by the land-holder or tenant. He thought the authority of these two societies, who had experience on the point, ought to have great weight with regard to the size of the unions, which was a subject for consideration in Committee. He might say, however, that the size had been fixed from the experience which the Commissioners had had in England, and from the fact that when the union was large there was less chance of private jobbing. The right hon. Baronet seemed to apprehend some fear that landowners might be induced to eject their smaller tenants on account of the operation of a Poor-law. Now, so far from thinking that ejectments would be more frequent than at the present time, he thought the contrary would be the effect. At present when tenants are ejected they resort to towns and trust to public charity, but their numbers are eventually greatly diminished by fevers brought on by want and suffering, and they are not much heard of by those who ejected them because they are not burthened with their maintenance. But the case would be very different under a Poor-law such as that proposed. If the landlord ejected a number of persons from his estate they would go to the workhouse, and he would find from the increase of the rates that he gained no advantage by such an expedient; and besides, the fact would become so notorious that he would be obliged to desist from the force of public opinion. He thought too much blame had been cast on Irish landlords. They had great difficulties to contend with—difficulties imposed on them by former generations; but it was his opinion that by a measure such as that before the House not only much of the distress which prevailed in Ireland would be relieved and destitution prevented, but that the landlords in the long run would be greatly benefited. Respecting the question of settlement, he would say, that he did not see how they could adopt it without depriving the labourer of a fair market for his labour. If the law of settlement was agreed to, many persons would be driven from a particular district and forced to subsist by mendicancy, instead of gaining a livelihood in districts where they thought the demand for labour was the greatest. He was much gratified with the general tone of this debate. There had been an absence of party feeling on the subject; and there seemed to be a disposition to consider the details of the Bill with a view to render it as satisfactory as possible. He was encouraged by that feeling to hope that the Bill would be allowed to go into Commitee; and he was rather sanguine in expecting that when the experiment was tried it would be attended with success. He must say that he did not calculate on those extraordinary effects from this measure which some had anticipated; but he trusted that it would have considerable power in accomplishing that which was so very desirable, namely, an improvement in the condition of Ireland.

Mr. *Callaghan* was an *ex-officio* member of the board of the Mendicity Institution at Cork. Nothing worse could be devised than that institution, and if the noble Lord's measure were founded on the same principles, all he could say was, that this experiment would be productive of no good. He had always been the advocate of Poor-laws for Ireland, but he could not concur in the justice of taxing a landlord whose own tenantry were happy and comfortable, for the support of the tenantry of a neighbour who were in a different state. He did believe that much exaggeration existed with respect to the real condition of the Irish people. He would not deny that poverty and destitution prevailed in Ireland to a considerable extent; but he did believe that it was by no means so great as it had been represented. He thought the poor entitled to relief; but he must say, that the owners of houses in towns should be taxed for the purpose as well as the proprietors of land. He wished to see Poor-laws established in Ireland, but then he was anxious that they should be introduced only on just and good principles.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, May 2, 1837.

MINUTES.] Bills. Read a third time:—Consolidated Fund. Read a first time:—Recorders Courts.

Petitions presented. By Lord BROUGHAM, from the Legal Profession at Kircalday, against the Operation of the Act of Sederunt.—By the Earl of HADDINGTON and other Noble LORDS, from various places, against the Abolition, and by the Marquess of LANSDOWNE, from various other places, for the Abolition of Church-rates.—By the Earl of WINCHILSEA, from the Guardians of the Poor of West Ashford, for an Alteration of the Law relative to Rating Small Tenements.—By the Bishop of EXETER, from various places, against the present system of National Education (Ireland).—By Lord DUCIE, from Gloucester, for Amelioration of the Criminal Code.

CONSOLIDATED FUND BILL.] On the motion of the Earl of Shaftesbury, this Bill was read a third time, and passed.

Messengers from the Commons brought up a number of private Bills, which were severally read a first time, and ordered to be printed.

DUBLIN POLICE.] Viscount *Duncannon* moved the second reading of the Dublin Police Bill.

Lord *Ellenborough* said, he would not oppose the Bill, though he entertained many objections to the measure. It was extraordinary that in the Municipal Bill when in the other House an objection should have been raised to the principle of a graduated scale of taxation, and yet that it should be sanctioned in this instance. Looking to the system of local taxation in Dublin, he did not think the principle of this Bill went far enough. The Government, before they introduced this measure, should have examined into the whole question of the local taxation of Dublin, with a view to remove the multiplicity of demands which were made upon the householders. One tax was raised in

Dublin which yielded only *5l. 2s.* and another *22l.* Such a system could only have the effect of making those persons hostile to the government of the day who were subject to these inconveniences.

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, May 2, 1837.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from various places, that a Bill for the Better Observance of the Sabbath may be allowed to go into a Committee of the whole House.—By Mr. BAGSHAW and other Hon. MEMBERS, from various places, for, and by Mr. C. BARCLAY and other Hon. MEMBERS, from various places, against the Abolition of Church-rates.—By Mr. JOHN FIELDEN, from Oldham, for Repeal of Duty on Tobacco, and from various places, for Repeal of Poor-law Act.—By Mr. BROTHERTON, from various places, for the Repeal of the Poor-law Act.—By Mr. HINDLEY and Mr. BROTHERTON, from Ashton-under-Lyne, against the Interference of the Poor-law Commissioners in the Manufacturing Districts, and from the Medical Profession in Buckinghamshire, for an Inquiry into the Medical Treatment of the Sick Poor.

NEW POOR-LAW. (ENGLAND).] Mr. *Fielden* having presented a great number of petitions, praying for a total repeal of the Poor-law Amendment Act: proceeded to remark upon the extreme unpopularity of the New Poor-law in the manufacturing districts. In one of these petitions the petitioners stated their determination to resist the enforcement of this law amongst them.

The *Speaker* requested the hon. Member to read that part of the petition in which this determination to resist the law was declared.

Mr. *Fielden* said, that the petition was from Bury, and he would read the whole petition, as he thought it only fair that the House should be in possession of the allegations on which the petitioners grounded their determination [*Cries of Chair*]. If the House would not allow him to read the petition at length, he should decline reading it at all. The hon. Member then proceeded to read the petition, which alleged that, from the reports of coroners' inquests and other authentic sources, they had ascertained that, in numerous instances, persons had met their deaths owing to the rigorous imprisonment and spare diet enforced by the regulations of the Poor-law Commissioners. That besides these indirect means of shortening life, persons, in certain cases, had died in consequence of being denied shelter; that the petitioners looked upon the separation of husband and wife, and parent and child, which was enforced in workhouses under the new was with great abhorrence; that the petitioners protested against the Bill, and stated their belief that it was calculated to lead to a despotism no less despicable in its instruments than cruel in its execution; and they humbly represent to the House that its introduction into the manufacturing districts was looked on with great alarm, as likely to lead to continual disputes and expensive litigation.

Sir *Robert Inglis* submitted that the hon. Member was out of order in the course he was pursuing.

Mr. *Wakley* thought, that the hon. Member was strictly in order as he was only reading an extract from the petition in question.

Mr. *Fielden* then proceeded to read as follows "Your petitioners have seen with scorn and disgust the same disregard to moral principle evinced in the low cunning and deceit with which the Commissioners, under the pretence of having no object in view, but to carry into effect the Act for the Registration of Births, Marriages, and Deaths, have attempted to foist the new Poor-law on those manufacturing districts in which there exists a general conviction that its enforcement will be destructive of the peace of society, and of the security of life and property. Your petitioners, convinced of the illegality, as well as the moral turpitude of the proceedings of these Commissioners, and denying the right of executive officers to issue rules and regulations inconsistent with the law of the land, have determined not to pay the slightest regard either to their orders, or of any officers under their control." For his part he admired and approved of this determination of the petitioners, and he hoped they would be successful in their disobedience. He moved that the petitions be referred to the Committee on the Poor-laws.

Mr. *Wynn* said, that it was quite contrary to the rules of the House that a petition should be received which set forth that the petitioners would resist the rules of Commissioners appointed by Act of Parliament.

Sir *James Graham* suggested, that the petition be read by the clerk at the table.

This having been done,

Mr. *Wynn* suggested, that the hon. Member should withdraw the petition, and endeavour to have the part in question altered.

Mr. *Fielden* was proceeding to address the House, when

Mr. *A. Trevor* rose to order. It was not right that the hon. Member should proceed to take up the time of the House.

Major *Beauclerk* said, that this was a point of very great importance to the country. He heard everywhere the question—why do you put an extinguisher on the petitions of the public? A quarter of an hour could not be mis-spent in the discussion of petitions.

Mr. *Warburton* rose to order. If the hon. Gentleman was allowed to proceed it would break through a very convenient rule.

Mr. *Harvey* remarked, this was the petition of parties who had no representatives in that House.

The *Speaker* said, this was a very important question, and one which ought to be decided either in one way or the other. He would state what was the practice of the House. There were many Members of that House who were aware of the former practice, from having had, like himself, for nearly thirty years, a seat there. When he first entered the House, and for some time after, no one was allowed to read a petition, or to do more than state its prayer. The practice of addressing the House on the presentation of petitions had arisen subsequently, and after many expedients had been tried, none of which met the approbation of the House. He had, when he was placed in the Chair, reverted to the ancient practice, in accordance with what he deemed his duty to the House and to the public. This was the third Session in which, with the concurrence, as he thought, of the House generally, he had endeavoured to enforce the rule; and he could assure the House he felt himself placed in a very difficult situation when any such circumstances as the present arose. He very much wished that the House would come to some decision on this point, by which he might in future be guided. He would only add, that he had endeavoured to do his duty to the House and to the public in enforcing this rule; and he would say it had been the means of saving a very great deal of time to the House, and saving the time of the House was doing justice to the country.

Mr. *T. Duncombe* begged to move, that the hon. Member for Oldham be heard in support of these petitions. This would bring the matter directly before the House.

The gallery was cleared for a division, but none took place, and the hon. Member for Oldham brought up the petitions.

CONVOCATION OF THE CLERGY.] Mr. *Borthwick*, in pursuance of his notice, rose to call the attention of the House to the subject of the convocation of the clergy. He requested the House simply to give to the question a calm consideration. The ecclesiastical body had been placed for nearly a hundred years in a singular position, as self regulation had been allowed to all other corporate bodies. From the length of time that had elapsed it had been all but forgotten that a convocation was recognised by the constitution of the country. He had intended to bring in a Bill to remodel the constitution of the convocation so as to make it practically useful; but if he had done so he might have appeared to give his sanction to the principle that laymen sitting in Parliament had a right to legislate on the internal affairs of the Church. The Church of England was placed in an anomalous and most unfavourable position; its concerns were managed by legislators, many of whom were inimical or indifferent to its interests. Had the convocation been sitting at the time when the Registration of Marriages Bill was introduced into Parliament, the noble Lord would not have been obliged to postpone its operation for several months, as he would have been enabled by the advice of that body to put its details in such a shape as would have admitted of its being carried into effect immediately. Hon. Gentlemen would naturally associate with the name of convocation bitter feelings and discreditable altercations. It was true, that the contentions of that body had been such as would disgrace any deliberative assembly, but this was to be ascribed to the unsettled state of the Church for a long time subsequent to the Reformation. Previous to that great event the Church of Rome had struggled to grasp a larger share of power than the genius of the constitution could grant to it, and the same spirit was visible afterwards, at various periods, down to the extinction of the convocation in 1717, sometimes taking the form of disputes between the whole body of the clergy and the Legislature, or of collisions between the higher and lower houses of convocation. The assembly of the Church of

Scotland discharged all the duties of an ecclesiastical council without injuring that establishment, and he did not see that there was reason to apprehend that the same would not be the case in the present day with a body representing the Church of England. The Church of England itself was most anxious for wholesome reform, and where could questions relating to Church reform be discussed with more likelihood of success than in convocation? In times like the present it was absolutely necessary to restore this self-regulating power to the Church. As a protection for the Established Church against Roman Catholic Members of Parliament, he would prefer the convocation to an oath, such as that now taken by them. He intended to propose that an address should be presented to the King, that he would from time to time assemble the clergy in convocation, to afford his Parliament advice and assistance in matters ecclesiastical. He did not believe that the measure would be carried into effect at once, but he felt himself called upon to call the attention of Parliament to the subject. It was his intention to ask permission to bring in a Bill on this subject, and in which he should propose, that the convocation be confined to one assembly, and that it should at the same time have full power to communicate with that House. The other objects which the Bill would embrace he would not trouble the House with at that time. He regretted that so little attention had been paid to the motion by Members on both sides of the House, particularly at a time when measures were brought forward night after night to sap the foundations and endanger the very existence of the Established Church. Was it not proposed to dissever the connexion between Church and State? The Church once overthrown, the State could not long endure. It was only of late that Members of that House had dared to stand up and pronounce democracy as the best form of Government, propose the expulsion of the Bishops from the House of Lords, and declare the Church of England to be the greatest curse that ever was inflicted upon Ireland. A more shallow notion never floated on the shallowest brains than to think a State could go on without being in connexion with some religion, To what were the ancient republics indebted for their unrivalled progress in art butto the respect they entertained for the religion they professed? He believed the noble Lord opposite (Lord John Russell) was sincerely attached to the Established Church, and desirous to uphold it. One of his ancestors had suffered death in the cause, determined to support the liberties of this country against the power of the Pope, who, while he pronounced himself *servus servorum Dei*, sought by all means to bring the world into subjection to the power of Rome. He would on the 20th of June, move for leave to bring in his Bill. The hon. Member concluded by moving, that an humble address be presented to his Majesty, praying that he would be graciously pleased to take steps for the introduction of such reformation into the convocation of the clergy as shall render the meetings of that reverend court practicable, and efficient for the purposes for which it was recognised by the Constitution.

Mr. *Arthur Trevor* seconded the motion, and contended, that, as the clergy were not directly represented in that House, they ought in some way to be enabled to take a part in their consultations as regarded matters connected with the interests of the Church. This was the more necessary at present, when so many motions of great importance were daily brought under their consideration on the subject of Church reform. The destitution of the working clergy was often alluded to in that House. What tribunal was more fit to submit the consideration of it to than the convocation? In the case also of clergymen who might have disgraced their sacred calling, who were more fit to give judgment than an assembly of the clergy themselves?

Mr. *Hume* congratulated the hon. Gentleman on his motion, and on the full attendance of Members on his side of the House. He believed, that during the greater part of the speeches of the hon. Mover and Seconder there had been one solitary Member on the Opposition benches. With respect to the motion, by all means if the convocation was still an existing institution, let it be in the exercise of its full powers. But certainly, when the hon. Member brought in his Bill he should move a clause to relieve the bishops from their attendance in the House of Lords, as they then would have an opportunity of attending to their affairs in their own convocation, and a very large portion of the House had already voted in favour of such a proposition. He believed the great mass of the clergy would be much better pleased if it were so.

Lord *John Russell* must express his dissent from the views of the hon. Member even if a convocation were to meet, its regulations and resolutions would have no effect without the sanction of Parliament. For his part, he could not see the advantage of reviving the religious disputes of the reign of Queen Anne, nor could he conceive that the hon. Member's motion was at all in concurrence with the views of the Church itself. He should not now, however, enter into any arguments on the subject. Indeed, it would be highly inexpedient that a debate on this question should proceed in the absence of the Members of the Universities, who, he had observed, had left the House since the debate had opened.

Mr. *Forbes* suggested the withdrawal of the motion.

Mr. *Borthwick* had no objection.

Mr. *Hindley* objecting to the withdrawal of the motion,

Mr. *Borthwick,* said he would divide, even though he stood alone, but he thought it would be more courteous in hon. Members to allow him to withdraw the motion.

The House divided. Ayes 19; Noes 24;—Majority 5.

List of the AYES.

Balfour, T.
Bodkin, J. J.
Buller, C.
Butler, hon. P.
Crawford, W. S.
Fector, J. M.
Forbes, W.
Hindley, C.
Hume, J.
Hutt, W.
Lushington, C.
Molesworth, Sir W.
Musgrave, Sir R.
Palmer, G.
Rundle, J.
Thompson, Colonel
Tulk, C. A.
Wakley, T.
Wood, Alderman

TELLERS.
Borthwick, P.
Trevor, hon. A.

List of the NOES.

Attwood, T.
Baines, E.
Barnard, E. G.
Bewes, T.
Bowring, Dr.
Brotherton, J.
Chapman, L.
Crawley, S.
Ewart, W.
Hawes, B.
Heathcote, J.
Howick, Viscount
Marsland, H.
O'Brien, W. S.
O'Ferrall, R. M.
Parry, Sir L. P. J.
Pease, J.
Pryme, G.
Russell, Lord J.
Scrope, G. P.
Stewart, P. M.
Warburton, H.
Ward, H. G.
White, S.

TELLERS.
Lushington, Dr.
Grey, Sir G.

TOBACCO AND FOREIGN SPIRIT DUTIES.] Mr. *Pryme* rose to move the appointment of a Committee of the whole House, to consider the expediency of reducing such duties on foreign commodities as give rise to extensive smuggling, especially those on tobacco and foreign spirits. The hon. Gentleman was proceeding to explain the] object of his motion, when the House was counted out.

HOUSE OF LORDS,

Wednesday, May 3, 1837.

MINUTES.] Petitions presented. By the Bishop of HEREFORD and Lord MONTAGU from various places against the abolition of Church-rates.—By Lord CLONCURRY from Kilmannon for abolition of Tithes (Ireland), and for Irish Municipal Corporation Bill; and from the Catholics in St. George, Dublin, for exemption from the payment of a Debt contracted for building the Parish Church.—By the Earl of RADNOR and Lord CLONCURRY from various places for the abolition of Church-rates.—By the Earl of FINGALL from Skryme and Rathfeigh for Vote by Ballot.

HOUSE OF COMMONS,

Wednesday, May 3, 1837.

MINUTES.] Bills. Read a second time:—Hailybury College East India Officers' Salaries.

Petitions presented. By Mr. BYNG and other hon. Members, from various places, for the proposed measure for the Abolition, and by Mr. HARDY and other hon. Members, from various other places, against the proposed measure for the Abolition of Church-rates.—By Mr. TOOKE and other hon. Members, from various places, that a general Bill for the better Observance of the Sabbath may be allowed to go into a Committee of the whole House.—By Mr. JOHN HENRY VIVIAN and other hon. Members, from various places, for repeal or Amendment of the Poor-law Act.—By Mr. WALLACE, and other hon. Members, from various places, that a Direct Mail Conveyance may be established through Fife.—By Mr. WALLACE and Mr. HUME, from various places, for repeal of the Duty on Attorneys' Certificates, and for suspending the operation of the Act of Sederunt relative to the Table of Fees.—By Lord HENNIKIR, from East Suffolk, against alteration of Corn-laws.—By Sir WM. GEARY and other hon. MEMBERS, from various places, for rating the Owners of small Tenements instead of Occupiers.—By Mr. BYNG and other hon. MEMBERS, from various places, for repeal of Window Tax, and for equalization of Land Tax.—By Sir E. CODRINGTON, from Seamen of South Shields, for Merchant Shipping Regulation Bill.—By Mr. BROTHERTON, from various places, for a ten hours' Factory Bill.—By several hon. MEMBERS, from various places, complaining of the undue advantage enjoyed by the proprietors of the Shipping Gazette over the proprietors of similar lists who are burthened with postage.—By Mr. WALLACE, from Greenock, for repeal of the Duty on Marine Insurances.—By Mr. WAKLEY, from inhabitants of Holborn, for Metropolis Improvements Bill.—By Lord Viscount CLIVE, from various places, for alteration of Highway Act.—By Mr. W. MILES, from Moncton Combe, for the admission of the produce of Antigua and the Leeward Isles at the same rates of Duty as those of the ceded colonies and Bengal; and from Bristol for repeal of Duty on Soap.—By Mr. EWART and Mr. HUME, from various places, for Household Suffrage; and from Edinburgh for investigation into the merits of Pensions and Sinecures.—By Mr. MORGAN JOHN O'CONNELL, from Dunmanway, against any Measures regarding the Court of that manor.—By Mr. EWART, from Liverpool, for Reform of Parliament Act Amendment Bill.—By Mr. HUME, from Edinburgh, for abolition of the Volunteer Corps.—By Mr. WALLACE, from Glasgow, complaining of the exportation of foreign-made biscuit and flour in bond ostensibly as Merchandise, but in reality for the consumption of ships' crews; and from Dunbar, for reduction of Inland Postage Dues.—By Mr. CRAVEN BERKLEY, from Cheltenham, for Recovery of Tenements Bill.—By Captain F. BERKLEY, from Gloucester, for revision of Criminal Code.—By Mr. KIRKE and other hon. MEMBERS, from various places, against the present system of Education (Ireland).

TITHES (IRELAND).] Mr. *Sharman Crawford* wished to ask the noble Lord when it was intended to bring up the report of the Committee on tithes in Ireland?

Lord *John Russell* said, that perhaps the House would permit him to move that the report be now brought up, upon the understanding that the further discussion be adjourned until his noble Friend (Lord Morpeth) should bring forward his Bill upon the subject.

Mr. Bernal brought up the report; which was read.

Mr. Sharman Crawford rose to move the resolutions of which he had given notice, by way of amendment.

Debate adjourned.

PUBLIC RECORDS BILL.] Mr. C. Buller moved the second reading of the Public Records Bill, the object of which he explained to be to provide one safe and efficient building for the security of all records, and to appoint one Keeper General of the Records of the kingdom to take care of them.

Lord *John Russell* certainly considered that the safe custody of the public records, and the arrangements for their publication, should be placed in different hands. He also thought that it was highly desirable that the public records should be kept in one place, under the custody or general superintendence of some high official person, such, for instance, as the Master of the Rolls. He had had communications with the Master of the Rolls on the subject of this Bill, and if it were the pleasure of the House to go on with the Bill, he would propose many alterations founded on those communications, and comprising the several points he had stated. If it were not the pleasure of the House to proceed with this Bill, he (Lord J. Russell) should be prepared to bring in a new Bill on the subject.

Sir *F. Trench* concurred in the object of the Bill.

Sir *R. Inglis* objected to appointing any officer to take care of the records. He thought that they ought to be left in the care of the chief judge. The point of chief importance, however, was to render the public records accessible, and next, to provide a more convenient place to which to transfer them. He thought the Chancellor of the Exchequer should propose to appropriate a large sum yearly for their arrangement.

Sir *R. Peel* thought, that it would be better to postpone any definite arrangement on this subject until the accommodation was provided which was essential for the satisfactory custody of the records. He certainly agreed with the noble Lord (Lord J. Russell) that it would be better to commit the custody of the records to a high judicial officer, who by name and station appeared to be pointed out as the most competent authority. He of course must have the assistance of some subordinate officer, appointed by himself and for whose conduct he should be responsible. He wished to ask a question of the right hon. Gentleman, the Chancellor of the Exchequer on this subject. It was a general impression that part of the building of the new House of Parliament was to be devoted to the custody of the public records. He wished to ask whether it was the intention of his Majesty's Government to submit any proposition to the House for the purpose of putting in a train of execution the plan of Mr. Barry, and whether it was intended to propose as part of that plan that the large tower should be appropriated to the reception of the public records?

The *Chancellor of the Exchequer* said, that the Government had abstained from taking any steps with respect to the report that had been laid upon the table of the House until every Member of the House should have had a full opportunity of considering the subject. With respect to the other question, he had had frequent communications with the Board of Commissioners of Woods and Forests, and the Record Commissioners as to whether the tower proposed to be erected by Mr. Barry's plan would be an appropriate and convenient depository for the public records. The opinions they had pronounced were favourable to the proposition. They thought that the tower would be sufficient to enable them to provide for the safe custody of the public records. If this should be the result, it would lead to the preservation of the most beautiful parts of the design, and would justify them by devoting them to a useful object.

Mr. *W. Williams Wynn* was glad this motion had not been mixed up with former controversies. All agreed that it was fit and proper to make some provision for the safe custody of the records; but some provisions of the Bill were premature, and would come time enough when a building was provided. He should be glad if the proposed tower would supply sufficient and convenient accommodation. The most fit person to be keeper was the Master of the Rolls. So far back as the time of Edward 1st, the situation was filled by that officer. It would, perhaps, be the more convenient course to prepare and arrange the records in their present depositories before sending them to the general place of reception. As to fees, he agreed with his hon. Friend that they were no more a question of principle than the stamp duties. After what had fallen from the noble Lord, with respect to his intention of hereafter proposing some additional clauses to the Bill, he did not feel disposed to give any opposition to its being read a second time.

Mr. *Wilks* concurred with the right hon. Gentleman who last spoke in thinking, that the subject under consideration would be best provided for if left entirely to the discretion of the Governmnnt.

Colonel *Sibthorp* wished the sense of the House had been taken on the Bill. He should certainly have voted against it, in order to show his repugnance to commissions in any shape.

Mr. *Galley Knight* thought, that the great object which the House ought to have in view, was to prevent in future that great expenditure which had hitherto been incurred by the unnecessary printing of the records.

Mr. *Jervis* begged to remind the gallant Member for Lincoln, that the Record Commission did not originate with the present Government. If the hon. and gallant Member read the Bill attentively, he would find that its tendency was to remove the necessity for any commission.

Bill read a second time.

FOREIGN GRAIN.] Mr. *Robinson* moved the resumption of the adjourned debate from March 21st on the motion for a Committee of the whole House to consider the expediency of admitting foreign grain to be ground for re-exportation. He said, it was not his wish that the House should divide on this motion without further discussion; and he warned Gentlemen connected with the agricultural interest, that if they negatived the present motion, their conduct would only tend to increase the opposition to the existing Corn-laws. The principle of those laws was in no degree infringed by the proposition; which, if agreed to, would permit British merchants to share in a very lucrative trade, now wholly engrossed by foreigners.

Mr. *Poulett Thomson* had no objection to the proposed Committee, but till the hon. Gentleman's contemplated resolution was before them, he could not say whether it was objectionable or not. If, upon examination, he considered the plan of the hon. Gentleman practicable and likely to be beneficial, it should have his support: if, on the contrary, he found it to be liable to objections, of course he should state what his objections were.

Mr. *O'Connell* had been called on by some very influential individuals in Ireland to support the motion for the Committee, and also to support any measure that might be introduced to allow of the grinding of foreign corn in this country and in Ireland. A few years ago Ireland exported corn almost exclusively—that was to say, grain without being ground. One of the most successful of the manufactures that had been establised in Ireland was the manufacture of grain of home growth, and the millers of that country now sent out flour, and supplied oatmeal, to a great extent; mill-power, too, might be increased in Ireland almost to an infinite degree. It would therefore confer a great benefit on that country to allow them to grind foreign grain, and take the miller's profit on it. He hoped that under these circumstances the House would feel the expediency of encouraging that branch of industry in Ireland.

Sir *J. Tyrrell*, after remarking thathe thought the hon. Member for Worcester had spoken with undue severity of the agricultural interests, proceeded to state that smuggling in malt was carried on to a great extent in Ireland. He believed that gentlemen who drank Guinness's stout were not perhaps aware of the manner in which brewers in that country got their malt. He had it as an undoubted fact that brewers went into the market, and too often asked no questions as to whether the duty upon it was paid or not.

The *Chancellor of the Exchequer* thought the proper mode of answering all the objections thrown out upon this subject would be to go into a Committee. He was sure, that his excellent friend Mr. Guinness ought to feel extremely obliged to the hon. Member opposite for the puff he had given to his porter; but at the same time he thought it due to that gentleman to do all in his power to remove from him the imputation which the hon. Member's observations seemed to convey. Whilst he (the Chancellor of the Exchequer) could not deny that frauds upon the revenue were carried on to a considerable extent in Ireland, he thought he could assert that it was not on the part of establishments like that of Mr. Guinness, but by the smaller dealers in the country. In fact, Mr. Guinness was one of the deputation who waited upon him some time back on this very subject.

Sir *J. Tyrrell* explained that he did not mean to cast any personal imputation against Mr. Guinness in this matter, whom he did not know from Adam.

Mr. *Heathcote* was opposed to the proposition of the hon. Member for Worcester, as one very likely to increase the frauds and evasions which were already carried on against the revenue by means of the bonded system. He thought that before the hon. Member asked the House to agree to his motion, he should be a little more clear in his statement of his intentions on the subject.

Sir *C. Broke Vere* thought it best to have the Corn-laws as they were. They had worked as well as any laws of the kind could be expected to work He was therefore opposed to the present motion, as the first step towards a repeal or alteration of those laws, but as he did not see any likelihood of successfully opposing it he should not go to a division. He only hoped that if the House did any thing in the matter they would use necessary caution to prevent frauds upon the revenue, or injury to the agriculturist. He hoped that foreign corn intended for manufacture for exportation would be kept under lock and key, and not allowed to be mixed up in the general stores of the exporter.

Motion agreed to. House in Committee.

Mr. *Robinson* said, that he would take the course usual on all occasions like the present, and submit for the consideration of the House a general resolution, declaratory of the expediency of bringing in a Bill to carry into effect the object which he had in view. He would best consult the convenience of the Committee by reading his resolution, which was, "That it is expedient to permit the manufacture of foreign grain and flour for exportation, only, without the payment of the duty, under such provisions and regulations as may effectually secure the public revenue from fraud and the interest of British agriculturists from loss or injury." He could not be expected to enter into any explanation with respect to the nature of the provisions of a measure of this kind, or by which the fraud and evasion of which the agriculturists complained were to be prevented. When the Bill was brought in, it would be time enough to enter into these explanations, but at present all that they were called on to do was to affirm the resolution which he had read. He should wish to throw the responsibility of bringing in that Bill on the Government, but if they declined to do so then he, of course, should be bound to introduce it himself. He should now only state a few general observations in support of his resolution. The object of his proposition was, to secure to this country a valuable branch of foreign and colonial trade, which they had lost by reason of the existing laws; but while he wished these restrictions to be removed he was willing that all due protection should be afforded to the landed interest. The hon. Member, in conclusion, moved the resolution for adoption which he had previously read.

Mr. *Poulett Thomson* said, there was one inconvenience which attended the hon. Gentleman's proposition, and which ought to convince him of the necessity of pursuing some other course. That might be regarded as a committee on trade, and before they affirmed the hon. Gentleman's resolution he thought the hon. Gentleman ought to be required to state the nature of the proposition which he meant to embody in the Bill to be founded upon it. If the resolution were to be passed what would be the consequence? Why, that they would be obliged to direct the Chairman to bring in a Bill in accordance with it. This rendered it essential that they should know what the Bill was to be before they proceeded to the discussion of the resolution. His conduct, therefore, with regard to the measure must depend on the nature of the Bill, and the extent to which the hon. Gentleman proposed to carry his resolutions. If his sole object was to allow corn to be ground under lock, then he (Mr. P. Thomson) could have no objection to it; but if it was his object to take corn out of bond to be ground, and have that corn exchanged for English corn, involving the whole proposition of a Bill passed in 1824, which was to be in operation for only one year—if that was the hon. Member's object then he was prepared to oppose it. He thought the more simple way was for the hon. Member to state his intentions before the Committee came to any decision on the motion before them.

Mr. *Robinson* said, if the intention of the Government was to allow corn to be ground only under lock, that was a course of proceeding which he considered so restricted, and of so little advantage to trade and commerce, that he would be no party to it. But if the Government would allow him to bring in a Bill to take a certain quantity of foreign corn out of bond for grinding on condition that an equal quantity of English flour or biscuit were exported, or if the right hon. Gentleman would bring in a Bill and allow him to move clauses in Committee in accordance with his view, he should be perfectly satisfied. He trusted, therefore, that the right hon. Gentleman would either take his Bill, or introduce one of his own.

Mr. *Hawes* said, that as a Bill, embracing the object which the hon. Member for Worcester had in view would have no chance of being carried, the better way would be for the Government to accede to the hon. Gentleman's proposition for bringing in a Bill themselves and allowing him to improve it in the Committee. That was the only way to proceed without losing time unnecessarily.

Sir *E. Knatchbull* thought the hon. Member for Worcester had placed the House in a most extraordinary position. The hon. Gentleman called on them to affirm a resolution without saying a word about the Bill which he was desirous of introducing. This was not the way to proceed, but, having placed his resolution on the table, it would seem that the hon. Gentleman was quite indifferent as to whether the Bill should be brought in or not. Now he, (Sir E. Knatchbull) considered this motion as nothing more nor less than an indirect attack against the Corn-laws. If that were the object he would prefer that the attack should be made boldly and openly at once, and not in an indirect or covert way. He had been much misunderstood on the subject of the Corn-laws; but the fact was, that, however anxious he might be to protect the agricultural interest, he was not one of those who was prepared to support that interest against right and justice. If corn could be taken out of bond without prejudice to the farmers of this country he would not oppose it: but as he had no statement before him to guide his judgment with respect to this resolution he must confess that he was not in a condition to legislate on the subject. He thought, however, that the better course for the hon. Gentleman to take would be to withdraw his resolution, and introduce his Bill at once.

Mr. *Pryme* was friendly to the agricultural interest, but still he was not anxious to continue restrictions which tended unfairly to fetter the commerce of the country.

Mr. *George F. Young* was favourable to the principle of the motion. This principle had been tried in 1824 by Mr. Huskisson, when he brought forward the Grinding Act. That Bill, as an experimental Bill, had been in operation for a year, and during that time there was no single instance of fraud having occurred under it. He had recently ascertained that foreign ship biscuit was introduced by shipowners into this country on payment of 20*l.* per cent. and the shipowner had an advantage in the importation of foreign biscuit, as he was enabled to purchase it at a price considerably under that paid for that which was produced in this country. This was a proof how little the Corn-laws were understood. Though he was connected with a particular interest he nevertheless repudiated all idea of setting up one interest against another, and he thought the principle on which they should act was to afford the best protection they could to all the interests in the country.

Mr. *W. Roche* had no objection to the proposition of the hon. Member for Worcester, provided they were afforded sufficient security against the occurrence of frauds.

Mr. *Hume* regretted to see the House of Commons take up their time in discussing the question whether a few pounds of flour should be exported at a lower price than the monopolists desired. When he saw the landlords in that House anxious to keep up the price of corn to a famishing amount, and opposing themselves to a proposal such as the present, he could not help saying, that such a proceeding was derogatory to their characters. It was, he repeated, both derogatory and discreditable. He thought that the hon. Member who had brought forward this motion ought to have been prepared with some plan If he was not prepared with some plan no one else could be. It was a reproach to any class in that House that they should stand in the way of other interests for the sake of preventing the exportation of a few pounds of cheap flour. Since the last debate on this subject had taken place, he had been informed that in some of the southern ports of France, in Bordeaux and Marseilles, it was customary to import foreign corn, which was manufactured into flour and imported in large quantities into Spain with great advantage to every branch of industry. The hon. Member for Worcester ought to make up his mind with respect to some specific plan, and should be prepared to take the sense of the House upon it. He certainly would support the motion of the hon. Member. He entreated the Government to take into consideration the present state of the country, and to press upon the House the adoption of some enlarged plan to carry the object of the present motion into effect.

Mr *Wallace* maintained, that the landed interest was opposed to the general interests of the country, and regretted that the right hon. the President of the Board of Trade joined with the landed interest. He should decidedly vote for the motion of the hon. Member for Worcester.

Mr. *Clay* recommended the hon. Member for Worcester to close with the proposal of the right hon. the President of the Board of Trade. He quite agreed with the hon. Member for Middlesex, that it was discreditable to the advocates of the agricultural interest in that House to oppose a measure advantageous to the commercial and shipping interests of the country, not because that there was any danger that the monopoly enjoyed by the agricultural interest would be destroyed, but that they feared it would lead even remotely to the invasion of that monopoly. The agricultural interest at present possessed a most grinding monopoly, and it was not decent in the advocates of that interest to come forward to oppose a proposition like the present. If they wished to oppose the motion let them do so with argument. He had heard no argument used by the opponents of the measure, and he considered it highly discreditable that they should oppose a proposition which involved so much advantage to important interests as that now before the House.

Sir *C. Broke Vere* was sorry to hear the observations that had fallen from the hon. Member who had just sat down, because he did not think that the subject under discussion by any means called for them. The hon. Member claimed the credit of just motives for the party with whom he acted, and he ought not to refuse to others that credit which he claimed for himself. He did not think that any advantage could arise from using harsh terms or casting imputations. He did not think that such a course was at all calculated to promote that good temper and good understanding which it was desirable should pervade the debates in that House.

Sir *J. Tyrrell* did not approve of that battledore and shuttlecock work of legislation, by which a Bill was tossed from a Member at one side of the House to a Member at another. The hon. Member for Worcester appeared opposed to the proposition that corn should be ground under lock. The hon. Member had stated no plan. It was desirous that the hon. Member should state one, for it might be a proposition to which he could accede. The hon. Member for the Tower Hamlets had complained of the want of argument at that side of the House. However, the complaint came badly from the hon. Member, for there was so little argument in what he had himself said that he was inclined to consider him the representative of the heavy clays.

Mr. *Poulett Thomson* said, there was a general resolution before the House, and if it was affirmed it would then become the duty of the hon. Member for Worcester to introduce a Bill to carry the objects of that resolution into effect. Now, he had an objection to one plan that had been suggested, and how was he to know but that the very plan to which he was opposed would be brought forward by the hon. Gentleman? He was, therefore, before concurring in this resolution, anxious to know what plan the hon. Member intended to bring forward. If the hon. Member would say that his proposition would not go further than simply the power to grind under lock, he was prepared to consent to that plan. It could not be expected that if the hon. Member was not prepared with a Bill the Government should take up the subject. The Government had quite enough to do. There were different Bills which he himself was anxious to bring forward, and was not able. He wished the hon. Member would state specifically what his proposition was.

Mr. *Robinson* said, that, of course, if the resolution should be affirmed it would be necessary to introduce a Bill. He would much rather that the Bill should be brought in under the auspices of the President of the Board of Trade, because it would then come forward under advantages which could not be expected if the measure rested in the hands of any private individual. But if the Government would not bring forward a Bill he would. His proposition would be this, that a power should be given to take any quantity of corn out of bond, and that the party should export an equivalent quantity of flour and biscuit, under such restrictions as would afford a sufficient protection against frauds. As a commercial man he could not consent to bring forward a measure upon the plan of the President of the Board of Trade. He did not say if by a vote of the House his measure was reduced to the limits of that plan he would not accept it, but he would much rather have his own, and he would not voluntarily take the other.

Mr. *Poulett Thomson* now understood the proposition of the hon. Member, and felt bound to oppose it; for his experience of a former Bill enabled him to say, that such a Bill as the hon. Member proposed was calculated to open the door to extensive frauds. The Bill of 1824 had been in operation for only twelve months, and yet extensive frauds had been committed under it. That Bill provided that for a certain quantity of corn taken out of bond a certain quantity of flour should be exported. Now, corn varied in its quality, and it was the practice to take out the finest corn, which was capable of producing the greatest quantity of flour, which flour was brought into consumption in this country, whilst from inferior corn an inferior description of flour was produced for exportation, and which was further deteriorated by being mixed with chalk and other matters. He contended that such a Bill was calculated to lead to great and extensive frauds, which, as they could not establish an average, there would be no possibility of preventing. With respect to a change in the Corn laws his opinions were well known. He considered the Corn laws, as they existed at present, injurious to the interests of every class in the country, and would vote for their alteration. But, when he said this, he thought that any change in the Corn laws ought to be effected by a general vote of the House, and not by a side wind. He had not been able to consent to the Bill of 1824—because like the resolution now proposed to the House, it gave an opening for fraud. He really could not perceive any material difference between the two measures. The hon. Gentleman opposite had denied that any good could arise from permission being given to grind corn under lock, and from the flour thus produced being exported. He must deny that any benefit would flow from the plan now proposed. If real advantages were to spring from the plan why did not the hon. Member introduce a Bill on the subject? The hon. Member assigned as a reason for not pursuing that course that he should lose his character as a commercial man. He (Mr. P. Thomson) thought, that his character would also be in danger were he to comply with the wishes now expressed by the hon. Gentleman. He thought that, if the resolution now before the House was entertained, the revenue must be the loser, and on that account he felt himself called on to oppose it.

Mr. *Estcourt* was glad that the hon. Gentleman opposite had expressed his intention of not supporting the resolution. He was however, sorry that the hon. Member who had brought the matter before the House had thought it necessary in the performance of his duty to speak so strongly against the agricultural interest. The hon. Member for the Tower Hamlets had pursued a similar line of conduct in bringing the subject of the Corn-laws before the House, and had been checked by a sensible and temperate reproof from his hon. Friend the Member for Suffolk. That reproof had double force from the good temper with which it had been made, and might have served as a warning on the present occasion. He should certainly oppose the resolution.

Mr. *Hume* was anxious that the House should perfectly understand what the right hon. the President for the Board of Trade meant by his declaration? He should like to know what the right hon. Gentleman meant by the term fraud? Would the right hon. Gentleman lay on the table the number of convictions which had taken place? What could the fraud which was so much spoken of really amount to? At the utmost to a few pounds of flour—not five per cent. on any quantity which might be ground. And still the right hon. Gentleman, professing himself a friend of free trade, brought this forward as a reason why the resolution should be opposed. He was quite ashamed of him. The House should look carefully into this question of fraud, and consider if the good to be produced would not much overbalance the evil which was so much spoken of. The right hon. Gentleman did not seem to attach any value to the additional hands which must be employed, the increased quantity of shipping to be used, the capital to be laid out, and the machinery which the plan now proposed must of necessity call into existence. He (Mr. Hume) could scarcely believe had he not heard the right hon. Gentleman speak that evening that such narrow views could be entertained by any Minister in his situation.

Mr. *Poulett Thomson* denied, that he did not fully estimate the advantages likely to accrue from an increased employment of ships, men, and capital. He was fully alive to their full value, and if his hon. Friend opposite would bring in a Bill on the present subject, which would give him the means of calling into activity an additional number of men and ships he would willingly support it; but he could not consent to any measure which, like the present, would only be a cloak for smuggling.

Mr. *George F. Young* thought, that the right hon. the President of the Board of Trade had been rather unfortunate in one of the arguments which he had used. He said, that a better description of corn might be taken out of bond, and an inferior sort sent out of the country in its place. He also asserted that, to prevent this fraud, it was impossible to strike an average accurately, in consequence of the quality of corn varying considerably. Now, in place of an average let him take the *maximum* quality of flour, and make it the description to be exported, and the supporters of the measure would be content. He did not think that the sending a bad description of corn out of the country, and giving to the community here in its place a better description for their own consumption could be considered a matter of much regret. The hon. Gentleman did not seem to consider that any attempt at restriction could not render the grinding corn in bond as favourable a speculation for home consumption as when no restraint was imposed. It would not be worth while, in fact, to engage in the business at all unless for foreign consumption. Fraud, in his opinion, could have little to do with the question.

Mr. *O'Connell* said, that the Bill desired by the right hon. the President of the Board of Trade, would only have the effect of bringing the excise officers into the private concerns of those desirous of grinding corn in bond; and who, he would ask, could act with an excise officer watching every motion? What was the meaning of fraud, of which the right hon. Gentleman spoke? Nothing more than the addition of another slice of bread to a starving family. The Corn-law monopolists, however, were not willing to grant even that poor boon. They hailed with triumph the declaration of the right hon. Gentleman, and thanked him to the skies for acting on their side. The present discussion would, however, more injure the Corn-law system than any speech which could be made against it.

The House divided. Ayes 43; Noes 108:—Majority 65.

List of the AYES.

Aglionby, H. A.
Barclay, David
Bewes, T.
Blake, M. J.
Brady, Denis C.
Brotherton, J.
Browne, R. D.
Chalmers, P.
Clay, W.
Codrington, Sir E.
Collier, John
Crawford, W. S.
Denistoun, A.
Ewart, W.
Fielden, J.
Fergus, John
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hume, J.
Humphery, John
Hutt, Wm.
Ingham, R.
Lambton, Hedworth
Lister, E. C.
Marsland, Henry
Morrison, J.
Musgrave, Sir R.
O'Brien Cornelius
O'Connell, D.
O'Connell, J.
Ord, W. H.
Philips, M.
Pryme, George
Stewart, P. M.
Strutt, E.
Thornley, T.
Wakley, T.
Walker, R.
Wallace, R.
Wood, Alderman

TELLERS.

Robinson, G. R.
Young, G. F.

List of the NOES.

Adam, Sir C.
Arbuthnot, hon. H.

Astley, Sir J.
Baring, F. T.
Barnard, Edward G.
Bell, M.
Bish, T.
Blackburne, John I.
Bonham, R. F.
Bowles, G. R.
Bramston, T. W.
Campbell, Sir J.
Campbell, W. F.
Cayley, E. S.
Chichester, A.
Cooper, E.
Coote, Sir C. C.
Copeland, W. T.
Dalbiac, Sir C.
Denison, J.
Dillwyn, L. W.
Donkin, Sir R.
Eastnor, Viscount
Eaton, Richard J.
Elwes, J.
Estcourt, T. G.
Fergusson, R. C.
Ferguson, G.
Fitzroy, H.
Folkes, Sir W.
Forbes, Wm.
Forster, C. S.
Fort, J.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, hon. W.
Goulburn, Sergeant
Grimston, Viscount
Hale, Robert B.
Halse, James
Hanmer, Henry
Hanmer, Sir J.
Hardy, J.
Hawkes, T.
Heathcote, Gilbert
Hector, C. J.
Hobhouse, Sir J. C.
Hogg, James Weir
Hoskins, K.
Houston, G.
Howard, R.
Howard, P. H.
Hoy, James Barlow
Irton, Samuel
Jackson, Sergeant
Jones, Wilson
Knatchbull, Sir E.
Knightley, Sir C.
Lawson, Andrew
Lennard, Thomas B.
Lennox, Lord G.
Lennox, Lord A.
Long, W.
Longfield, R.
Lygon, Hn. Gen.
M'Leod, R.
Macnamara, Major
Martin, J.
Martin, T.
Nagles, Sir R.
Neeld, John
O Conor, Don
O'Neill, General
Ossulston, Lord
Packe, C. W.
Palmer, George
Palmerston, Visct.
Parker, John
Pease, J.
Pigot, Robert
Pollock, Sir F.
Poulter, John Sayer
Power, James
Price, S. G.
Pusey, P.
Roche, D.
Rushbrooke, Col.
Russell, Lord John
Sibthorp, Col.
Spry, Sir S.
Stewart, John
Stuart, V.
Talfourd, Sergeant
Thomson, C. P.
Townley, R. G.
Turner, W.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Vernon, Granville H.
Vesey, hon. Thomas
Vivian, J. E.
Wemyss, Capt.
West, J. B.
Wilson, Henry
Winnington, H. J.
Worsley, Lord
Young, Sir W.

TELLERS.
Labouchere, H.
Steuart, R.

Law of Libel Bill.] Mr. *O'Connell* moved the second reading of the Law of Libel Bill. He felt it his duty to state the circumstances under which the measure came under the consideration of the House, as well as the objects and principles of the measure. It was the same Bill that had already been three times before the House, but as yet had never been read a second time. It was in the year 1833 that he first proposed a measure of this description, and at that time Lord Althorp requested him not to press it forward, but to abandon it for that Session, upon the understanding that it was the intention of the Government to have a Committee upon the subject of the law of libel. It happened, however, that the Session was at that time so far advanced as to render it inconvenient then to appoint the Committee, and the subject, as a matter of necessity, stood over till the next year. In 1834 the then Attorney-General (now the Lord Chancellor) brought the question under the consideration of the House, and proposed a Committee to consider the law of libel and to suggest remedies for its improvement. The Committee appointed upon that occasion went fully into the subject, and not only admitted the defects of the law as it then stood, but fully demonstrated the extraordinary anomalies to which it gave rise. That hon. and learned Gentleman, the Attorney-General in 1834, now the noble and learned Lord, displayed upon that occasion that solid good sense, that true knowledge of the subject, which had made him, he believed, one of the most useful Lord Chancellors this country ever saw. He believed it was unanimously admitted by the profession that no man ever filled the high office of Lord Chancellor with more credit to himself or greater advantage to the public than Lord Cottenham. It was strange, indeed, that this fact had never before been noticed in that House, but out of the House he believed there was but one opinion upon the subject, that he not only exceeded his predecessors in the duty of hearing original causes for the first time, but that none had ever been distinguished by a sounder knowledge of the law, or a stronger or more manly mind. A great deal of evidence was given before the Committee appointed in 1834, but, unfortunately, no Report had been brought before the House, and the evidence was not printed. The Committee, in fact, proved to be a perfect abortion—no record even of its proceedings remained—all the evidence given before it was lost. Yet there was no person examined, no person who spoke upon the subject, who did not admit that the law of libel was in a most defective, nay, a most indefensible, state. The first question that naturally suggested itself upon the subject was—what is libel? As the law at present stood he defied any man to limit the definition of a libel. Any thing was a libel. On one occasion Lord Ellenborough held that the calling Lord Hardwick a sheep-feeder from Lincolnshire was a libel, yet in the case of Mr. Perry, the then proprietor of the *Morning Chronicle*, the same Lord Ellenborough insisted very strongly that saying George the 3rd was not a popular king was not libellous. So that in point of fact the matter held to constitute a libel was just what the judge chose to determine, or a partisan jury to insist. The only fixed rule upon the subject was this: that anything was a libel that hurt the feelings of the person against whom it was directed. Ought there in England to be such a law as that? Observe the inconsistency of it. Scandalous words were used *viva voce*—the same words were written or printed; the one was slander, the other libel. How did the law deal with these? As regarded scandal there really was something definite and distinct in the law, because nothing was held to be scandalous but that which imputed crime, or incapacity, or unfitness to a man in his trade or occupation. The law of slander, therefore, had its limits. But if the same words were written or put into print there was no limit whatever. No anomaly, he thought, could be greater than that; because, if the words used were criminal in themselves, they must be equally crimnal whether they were spoken or written. The nature of the offence must be in the words themselves. It was a singular absurdity that a set of words which, if merely spoken, would be held by the judge to be perfectly harmless, should, if written or printed, be declared by the same judge to constitute a crime. There was another anomaly in the law. There were two modes of proceeding against persons accused of libel—one to prosecute criminally, the other by civil action for damages. The mode of proceeding criminally divided itself into three distinct branches: first, by filing a bill *ex officio*—that was by an indictment instituted by the Attorney-General himself; second, by criminal information; third, by common indictment. Thus there were three modes of proceeding against a libel as a crime; and one mode of proceeding for compensation. The moment the criminal proceedings were instituted, all the circumstances of the publication were taken into consideration by the jury, to determine whether or not the publication were criminal—all except one. And what was that? The trifling circumstance of whether the allegations contained in the publication were true or not. One would think that the first thing to be inquired into should be whether the allegations were true or false. If false, it ought no doubt to be deemed criminal; but if true, ought it always to be held a fit subject for punishment? But, as the law at present stood, it mattered not how perfectly true the publication might be. Its truth was the only immaterial circumstance connected with it. It might be perfectly true in every particular, and yet conviction and punishment would follow. Such was the state of the law as regarded criminal prosecutions for libel. How did it stand with respect to civil actions where the party aggrieved sought redress in damages? In civil actions, if the truth of the publication could be proved, it was a complete and perfect defence, no matter how malicious or injurious the publication might have been. He proposed to change the law in these respects; he proposed to make the law definite and precise; and, if it were not entering too much into detail, he would explain the means by which he proposed to do so. It was his intention, if the House allowed the Bill to be read a second time, to propose that it be referred to a Select Committee up stairs to consider its provisions. He proposed, in the first place, to make that definite which was at present indefinite. He proposed, to reduce actions of libel to the same limits as actions of slander. He proposed also to define distinctly what should be held to be libel; he proposed that no language should be held to be criminal which was not in itself an incitement to crime. Any publication accessorial to crime he would leave to be punished by the criminal law; but any publication uncomfortable to the feelings of private or public men, unless it imputed criminality to them, he would leave to be met by argument, or to be rebutted by the same means as that by which it was advanced. These were the two first principles of his Bill. In the next place he proposed to deal with the criminal modes of proceeding in cases of libel. These, as he had already stated, were three. The first, the *ex officio* proceeding by the Attorney-General, he proposed to do away with altogether. At present the Attorney-General could, at his own caprice, indict any person for libel. Public opinion, it was true, was a great protection in London against an arbitrary or improper use of that power; but he doubted whether it would prove the same protection in more distant parts of the kingdom. He did not think public opinion so good a protection in Edinburgh as in London, nor in Dublin as in Edinburgh. He thought that the Attorney-General ought not to possess this privilege. The only argument in its favour was, that in some cases it might be necessary to proceed with great quickness and dispatch in matters of libel. But proceedings *ex officio* were not necessary to the attainment of that end, because where would be the difficulty of sending up indictments to the Central Criminal Court, to the Quarter Sessions, or to the other criminal courts which are almost perpetually sitting. If expedition were required, it would be easy at any time to issue a special commission, and in forty-eight hours a special jury might be summoned, and the indictment laid before them. In the next place he proposed to take away from the Court of King's Bench the power of granting criminal informations. He knew that that was a favourite power with the profession, and he had more than once quarrelled with his professional brethren in opposing it; but it always appeared to him to be a most unsatisfactory as well as a most expensive mode of proceeding. In the first place, an affidavit must be made by the party complaining; if the affidavit were false it must be contradicted by a counter affidavit. There could not be a worse system than that of proceeding by affidavit. The last swearer had always a considerable advantage; the hardy swearer had a much greater advantage. A striking instance of that fact had occurred within the last fifteen months. Instead of these informations, therefore, he proposed for the future that all criminal proceedings in cases of libel should be by indictment. He should wish a Committee up stairs to discuss the details of this measure. Next, with respect to criminal prosecutions, and allowing truth to be given in evidence, he thought it better not to allow the parties to go out of court free of expenses, because they had proved the truth. Then he took up another point of the law of libel that related to costs. At present, in actions for slander, when the damages were under 40*s.* the parties recovered no costs. In spoken libel, or slander, 40*s.* did not carry damages; but in cases of written libel, if the damages were laid at only one farthing, that carried costs. Thus, in the one case no costs were allowed, whilst in the other enormous costs were imposed. He had heard of several cases where 400*l.* had been the amount of costs of the plaintiff and defendant, when only one farthing damages had been returned. There had been cases in Liverpool and Devonshire where one farthing damages had been awarded, but where 400*l.* had been the actual amount of costs. Was this a state of the law which ought to be allowed to continue? It was matter of speculation to many attorneys in respect to certain libellous paragraphs being copied from one paper into another. Many instances occurred where attorneys speculated upon there being no more than one farthing damages, and brought fifteen actions afterwards against each paper into which the libel might have been copied. He might be told that the judge might certify; but who ever heard of a judge certifying under these circumstances? If a judge so certified, it might be said it would deprive the parties of costs. His opinion was, that no man who should recover no more than 20*l.* damages should be entitled to costs; or, that if the plaintiff obtained 50*l.* damages he should not recover more than that amount of costs. If the damages exceeded 50*l.*, the plaintiff to be entitled to full costs, as between attorney and client. By this measure he introduced two principles—the one giving the power of retractation in criminal cases; and, secondly, that the prosecutor must serve notice on the party to retract. The jury, moreover, were to be the judges whether *bonâ fide* this retractation was sufficient in criminal cases. This clause did not go to interfere with actions in civil cases. In the case of criminal prosecutions he had given the power to the parties publishing the libel to give up the author. If he gave up the name of the author, then no action for damages would lie; but if such person refused to do this, then an action would lie. But in the case of authorship not being proved, the publisher of the libel was to pay all costs. This Bill also provided that in criminal proceedings the parties should be allowed to prove that the libel was promulgated without his assent; though this was not to be admitted as complete evidence to the jury, but as mitigating circumstances. He proposed that this should apply only to cases of criminal proceedings, but should not extend to cases where civil actions were brought. He thought it impossible for any man to say that the present state of the law was such as should continue. After some further observations, the hon. and learned Gentleman concluded by saying, that all he wished was, that this Bill should be read a second time, upon the principle that the existing law was such as required improvement. If this motion should be agreed to, he should move for a Select Committee up stairs to inquire into and report upon the question. He hoped that his Majesty's Attorney-General would help in forming such Committee.

The *Attorney-General:* I feel myself under the necessity of opposing the second reading of this Bill, but by no means on the ground that the existing law does not require improvement. I apprehend, however, that the promoter of the Bill is bound to prove, first that the law requires improvement; secondly, that this Bill would be an improvement of the law. Now the first of these propositions has, I think, been most completely demonstrated by the hon. and learned Member. As to the second, I think, with great respect to him, that he has utterly failed. Now, that the present state of the law of libel is defective and unsatisfactory, I readily allow. I agree with every word that was said by the hon. and learned Gentleman on that subject in the course of his speech; and I perfectly subscribe to the tribute which he has paid to the great qualifications and important services, as a judge, of the distinguished individual he referred to. It is one thing to say, that the law is defective; another, to suggest how it should be remedied. I acknowledge that the present law is defective; and if there were any probability, in the present state of the business of the House, of carrying through such a measure, I myself, humble individual as I am, would most eagerly undertake to bring in a Bill to amend the law of libel. But, Sir, so lamentable is the present state of public business in this House, that I, for one, quite despair of succeeding in such an attempt. I have, myself, prepared four or five Bills connected with alterations and improvements in the law upon this and other matters. But what encouragement is there to bring in new Bills? On the very first day of the prseent Session, I brought in a Bill for taking away the punishment of imprisonment for debt except in cases of fraud. I have done, I think the House will allow, everything in my power to forward that important Bill; but I have failed, hitherto, in getting it even into Committee. And why? Because it pleases some hon. Members, to occupy the time of the House upon such mere speculative questions as whether the convocation should be assembled again (for example), to the great detriment and delay of the real business before this branch of the Legislature. In fine, Sir, until there shall be some signal improvement in our present mode of conducting the business of this House, I totally despair of success in carrying any measure of legal reform or amendment. Now, Sir, as to the measure before us. With all my great respect for his talents and attainments—for his professional character and great experience—I must confess I have been quite astonished to find the hon. and learned Member for Kilkenny bringing in such a Bill as this. I speak (I hope) most humbly, but still in all earnestness. I should have expected from a Gentleman of his experience and ability the suggestion of some remedy for the evil which, he tells us, he seeks to put down. But here is nothing of the sort. On the contrary, I should be prepared to anticipate, were this Bill, in its present shape, to pass into a law, that the law of libel would, thereupon, be reduced to a condition much worse, and more objectionable, than that even which it is admitted to be in at present. The hon. and learned Member has given us no sort of definition as to what it is that shall henceforward be held to constitute a libel,—nor yet of the limits within which the truth, in defence to an action for libel, may be given in evidence. In the case of pleading the truth, in justification of a libel, he has, indeed, introduced a variety of provisions, having regard to the tender of such evidence; but I am prepared to show, that, were they ever to become enactments, they would necessarily lead to the most mischievous and disastrous consequences. He begins, here, by taking away and abolishing the power at present vested in his Majesty's Attorney-General to file, in certain cases, *ex officio* informations. Now, allow me to say that it would be a much fairer thing for the accused party, in criminal prosecutions, if there were a public prosecutor, who, on his own responsibility, in that capacity, would put the accused, at once, upon his trial; for then, the accused would come to his trial without any prejudice to his cause. The hon. and learned Gentleman has referred to what he says would have been done in such a matter in Edinburgh. Why, there is no such tribunal as a grand jury in Scotland! The Lord Advocate, as public prosecutor, puts the accused upon his trial at once; but I do not say, that criminal justice is better administered in the Northern than it is in the Southern parts of the island. I have never, yet, had occasion, since I have had the honour of holding the office of his Majesty's Attorney-General, to file a single *ex-officio* information. In this respect I consider myself to have been very fortunate; but, most undoubtedly, if I felt it my duty to do so, at any time, I would much rather file an *ex officio* information against an accused, than I would send him to a grand jury, from which he would go to his trial at the assizes with this prejudice, at least, created against him,—namely, that on an *ex parte* trial, before twenty of his countrymen, there was that sort of *primâ facie* case of guilt against him, that they had found the Bill. Why, Sir, I may mention that an hon. Friend of mine is, at this moment, engaged in preparing a Bill for the abolition of grand juries. But the fact is, that grand juries are so much looked up to and respected, in this country, that I do not think the time is yet come for so sweeping a measure. Still, I do think, that the system of *ex parte* proceedings before grand juries is inconsistent with the present state and feeling of society; and I must always declare, that I do not like to send a man, thus prejudiced by their finding, to his trial before a petty jury. It is not intended, I believe, by the hon. and learned Member for Kilkenny to take away the power of the Attorney-General to proceed by *ex officio* information in other cases. But why, I ask, should the learned Member except the case of libel only from such informations, filed by the Attorney-General? If the Attorney-General may still file these informations for blasphemous words, seditious acts, and so forth, there seems no reason in depriving him of the power only in the case of libel. If he is not to retain the power in any of those other cases in which, I apprehend, he must originate the proceedings, there can be no reason why he should retain it in this. Then, the preamble of the Bill goes on to declare, in the next place, that no such thing as a criminal information shall be filed by order of the Court of King's Bench. The hon. and learned Gentleman told us, in the course of his speech, "that he has not yet been able to find a single member in his own profession, in Ireland," who would concur with him in this proposition. He might safely have gone much further, and added, "nor a single member of that profession out of Ireland." I am at a loss to conceive upon what grounds the hon. and learned Gentleman could have assumed, that this restriction would prove either just or prudent. Why, Sir, the practice which he would put down is a most potent and most salutary protection for all parties. It gives to the party against whom the charge on which the proceeding for libel is brought, an opportunity of purging himself from that charge on oath;—to the party who brings that charge, an opportunity, on the other hand, of substantiating it also upon his oath; and be it observed, that unless the party against whom that charge is brought can make out that he is an innocent man, and has been wronged by the statement of the accused, he is refused the information he prays, and denied the protection which he invokes. I know that two most distinguished men, Lord Erskine and Lord Brougham, have held this power to be a most salutary one; and that Lord Brougham has declared, that the Court of King's Bench is a court of honour, and has a tendency to protect the peace of the country and the honour of individuals. The Bill next proceeds to attempt to tell us in what cases there may be a prosecution for a public libel; and the definition which is given of a public libel, as I take it from clause 22, is this,—"the words 'public libel' shall be construed to include any matter, written or printed, reflecting upon his Majesty's Government or his Majesty's Ministers, or upon either or both Houses of Parliament, or upon any constituted authority in the State, or upon the conduct and management of public affairs in any department of the state, whether foreign or domestic, or upon the administration of justice;" and in clause 2, it is declared, that "it shall be necessary in every such indictment to allege and to prove, at the trial, that the libel therein set forth was published to aid or abet, or to counsel or advise, or procure the commission of some crime for which a person may now, by law, be indicted as an accessory before the fact." Now, with respect to the proposition that all criminal informations for libels, unless they incite to or abet crimes, should be done away with, I repeat, that the Bill of the hon. and learned Gentleman would leave the law worse than it is at present. Let me ask the hon. and learned Member whether or not he justifies the late Sir Arthur Piggott for the only *ex officio* information which he ever directed to be filed while in office? Will the hon and learned Gentleman tell us that he thinks Sir Arthur Piggott, on that occasion, abused his authority? The case was this — a certain newspaper reported that the Admiralty had sent out troops in transports which were unseaworthy vessels, only in order that they might be lost. Why, according to the learned Member for Kilkenny's definition of a public libel, against this atrocious charge, which, I believe, every body, at the time, thought to be one of the most proper cases for a criminal prosecution that was ever known,—no such information would lie! Even if the newspaper writer had said, that troops had been sent out by the Government with poisoned bread, or that the judges or the bench had been corrupted, I contend that, according to the learned Gentleman's construction, these would not be libels tending "to aid or abet, or to counsel or advise, or procure the commission of some crime for which a person may now, by law, be indictable as an accessory before the fact." I think, therefore, that these provisions of the learned Member for Kilkenny's Bill would be, in practice, extremely injurious, and would mete out impunity to those who would well deserve condign punishment. But, then, this Bill goes on to say, that no action or indictment for libel shall lie for a written or printed libel, unless for words which, if spoken, would be libellous :—

> "No civil action shall be maintained for any words, merely because of the same being printed or written, or for any other words, save for such as would be sufficient to sustain an action when spoken; neither shall any indictment be sustained for any personal libel, save for such words as would sustain an action according to this Act."

I am sure that my hon. and learned Friend had not properly considered the effect of such a provision as this, when he finally allowed it to stand as one of the clauses of his Bill; or he must have forgotten, at the time, what the law of England at present is with respect to spoken words. By the law, as it stands, to say of a man that he is a coward, a liar, and a scoundrel, will lay no sufficient ground of action, nor yet of criminal indictment. So, in the case of a woman of the greatest modesty and good conduct; to abuse her with the foulest terms, involving imputations upon her chastity—these words in themselves, and unless special injury be proved to have resulted from them, will sustain neither action nor indictment. They are, in legal phrase, only "words of pique." But will any man contend, that if words of this sort be printed in a newspaper, and circulated to all the world—if a man of honour be accused, in that way, of being a liar and a scoundrel —or a virtuous woman of a breach of chastity—no action should be brought against the publication? And yet, under this clause of the Bill, any one might disseminate the most intolerable calumnies by the public press with perfect impunity—provided, truly, that the party retract the same, through the same channel, before an indictment for them shall have been found against him. If, indeed, the hon. and learned Gentleman had brought the penalty for spoken words up to the same point as that which the law assigns for written words, he might safely have effected some improvement in the existing law. But he does the very reverse of this. He equalises the offence of written words of libel to that of spoken words; so that there shall be no remedy, to the most injured party in the world, for abuse and scandal of the foulest character, though it be promulgated to the utmost possible extent. Then, Sir, we come to the clause empowering the defendant in actions for libel to prove the truth of his allegations. Now I think, that as to this point I must admit the defectiveness of the present law of libel. I think that, in actions of this sort, the truth of the alleged libel should be allowed to be pleaded, not as a necessary justification of the cause of action—not as in itself a good and complete defence to such action—but as matter proper to go to the jury to enable them to judge whether there has been, on the part of the defendant, malicious intention or not; and then let the jury determine accordingly. Truth, it must always be observed, is not a complete justification in a case of libel. For example, the House may recollect the well-known anecdote of a young woman who happened, in her youth, to have had a child, but who, at a more advanced period of her life, had become a very highly respectable matron, and mother of a family. A charge was cruelly brought against her, that at some previous time she had been deficient in personal chastity. Now, in that instance, every body must perceive that the truth of the statement could be in no respect a justification of the libel; and it must be admitted, that the person who could be guilty of inflicting so enormous an injury on a female, thus circumstanced, was deserving of the most severe punishment. With regard to the clause, "defendant, in actions for libel, may prove the truth of his allegations;" the prosecutor ought to give notice of his proceeding. Then the prosecuted should have the opportunity of producing his witnesses and preparing his defence; and the other party would have to show that the charge against him is unfounded. But all that is provided for here is, that the truth may be given in as evidence. In my opinion, the proper mode of proceeding in such cases would be this—if the defendant rely on the truth, he should be compelled to say, "the charge is true, and therefore I publish it; and then you should let the case go on to trial either on the truth or on the merits. Nothing of that kind, I repeat, is contemplated under this clause. All that is said is, that the truth may be pleaded. Now we arrive at what I cannot but consider a most highly objectionable part of this Bill; namely, the clause providing that on his retractation of the libel there shall be complete impunity to the libeller. [Mr. *O'Connell*,—No; no.] I say from all criminal proceedings,—complete impunity; because, there shall be no punishment. That there shall, under these circumstances, be no punishment, is gravely proposed in the body of the Bill. It is gravely proposed that "at the trial of any indictment for a personal libel, it shall be necessary for the prosecutor to prove the service on the publisher thereof, either personally or at his place of abode (one week at least, before the indictment found), of a notice, in writing, calling on him to retract and contradict the libellous matter; and unless such notice be proved, or if the defendant shall prove that he, before the indictment was found, fairly and unequivocally published a retractation and contradiction of such libellous matter, in the same mode in which it was originally published, such publisher shall be acquitted," So that the party aggrieved is to give a week's notice to the libeller, in order that he may have the opportunity of "retracting" his libel before such party shall be entitled to substitute criminal proceedings. So that if an editor of a newspaper publish an article maliciously impugning the conduct and character of any man, however respectable,—an article attributing to him the most crying enormities, the most scandalous motives, the most degrading conduct,—so long as he takes care to publish, in another day's copy of his newspaper, another article or retractation, as the hon. and learned Gentleman calls it, contradictory of that which preceded it,—such publisher or libeller may exempt himself from all the penal consequences tha should justly attach to his offence. Having determined to calumniate any members of the community, he may go on repeating his offence, only taking care to publish its "retractation," "*toties quoties*," for there is no limitation whatever imposed upon the number of libels which, under these conditions, he shall be allowed to perpetrate. Why, surely, it is quite possible that a newspaper might be set up for the express purpose of libelling. Does not the hon. and learned Gentleman see that this proposed privilege of retractation to the libellers would assure to such an establishment an extensive and totally unrestrained trade in slander? But, here again, in clause 8, it is enacted, that if the author be given up, the publisher cannot be touched. My hon. and learned Friend is aware that, where a libel has been published in a newspaper, the prosecutor will not have much chance of success in vindicating his character, unless he can get at the author. If the conductor of the newspaper has believed the genuineness of an article he has published, but for publishing which he is proceeded against—if he has inserted it *bonâ fide*, but because imposed upon, the existing law allows that the author should be punished. But here we have a sweeping enactment, that "if publisher discloses name and residence of author of a libel, action against publisher to cease." Is it not perfectly within the range of possibility that a man of straw may be set up as the author; and if he be not actually the proprietor of the journal, he may in effect be put forward as the scape-goat of the concern for all purposes? He may even be in gaol. He may, from interested motives, consider a gaol as his home. And thus the publisher or proprietor of the newspaper, who has given him up, escapes with perfect impunity, if he is only in a condition to say, "the author of this libel is already in Newgate. Go to him." But then, says my hon. and learned Friend, "the party libelled has a civil action." I do not wish to advert to any particular newspaper by name; but is it not quite possible that a man of straw (or woman of straw, for there are women, newspaper proprietors) may be put forward, as the party in whom the property is ostensibly vested? Now, let us suppose that some overruling aristocrat of a magistrate (if such a man there be in the commission), possessed of overwhelming influence in the community, were guilty of libelling some poor patriot, and that the latter sought his redress in an appeal to the legal tribunals. The purse-proud libeller —the Sir Giles Overreach—against whom he might institute a suit, would be allowed the privilege of a special jury by the hon. and learned Member for Kilkenny, and would very probably be acquitted, whilst the unoffending poor patriot would be made the victim. The next enactment is important. There is one case of grievance under the existing law, as alluded to by the hon. and learned Gentleman, to which a remedy should clearly be applied. That is, the anomaly which exists in respect of the marked difference between the proceedings in an action of damages for spoken words and an action of libel. In the former case, when the jury finds for the plaintiff damages not exceeding 40*s.* he is not entitled to recover costs exceeding that sum. This rule supplies a very proper check upon the plundering system of malicious or pettifogging prosecutors and attorneys. But, on the contrary, it unfortunately happens that if a man brings an action for libel, and gets but one farthing damages, if the judge certifies, the defendant may be subject to enormous costs. This is, undoubtedly, a very crying evil, and ought immediately to be remedied. I know full well that there are very many cases in which actions are entered solely for this purpose of obtaining costs, and for nothing else. A well known prosecution, which must be fresh within the memory of the House, has recently been instituted, which was most likely a case of this sort. But what is the sort of remedy proposed by this Bill? Why, that in any case where "the jury shall give damages exceeding 40*s.* and not exceeding 20*l.*, neither party shall be entitled to costs from each other." Now this would lead, in many cases, to gross injustice; for example, a little tradesman may bring an action against another tradesman in the same rank of life, for a libel, and the jury upon the trial may think that 18*l.* or 19*l.*, for example, would be a very handsome compensation; but under the provisions of this Bill, though the party may recover 18*l.* or 19*l.* which would be worth as much to him as 1,000*l.* to some individual in a higher class of society, he is debarred from recovering costs; he is saddled with all the expense to which he may have been put by the charges of instituting and prosecuting his action; he will be an absolute loser by this attempt to vindicate his character under the hon. and learned Gentleman's proposed "improvement" of the law of libel. The next enactment is one of a very objectionable character. It is to the effect that there shall be no special jury without consent of defendant; but that defendant may, if he please, have the case tried by a special jury. If the hon. and learned Gentleman had said that there never should be a special jury, there would, at all events, be some appearance of equality so far as the interests of the plaintiff and defendant were concerned. But what says the clause? "that it shall not be lawful for any prosecutor for any libel, either public or personal, to have a special jury, unless with the consent of the defendant; but"—(mark the unequal terms on which these parties are placed)—"the defendant may, if he please, have the cause tried by a special jury." Is there any justice in this? or rather, will not the hon. and learned Gentleman defeat his own object? In that case, your only remedy is to proceed against the party by indictment. It would be idle to prosecute him by civil action; of all your damages you would not recover one single farthing. When I find amendments of this nature proposed in the law of libel by the hon. and learned Member, I must say I read his Bill with infinite regret. Let us next look at the law with respect to the punishment for this offence; and here the hon. and learned Gentleman adopts what I must be permitted to call a most extraordinary course. It is here enacted, that the penalty for libel shall be fine "or" imprisonment. You cannot visit a party with both these penalties. Very well. But, then, why do you put a limit to the extent of the fine and the amount of the imprisonment? The imprisonment, it seems, is never, in any case, to exceed six months. I allow that there have been very heavy and improper sentences inflicted by the courts,—imprisonments for years,—for libels: but I can conceive cases in which the libels may be so atrocious—so destructive to the tranquillity of society—so ruinous to the peace of families, that it may be utterly impossible to appreciate the full extent of the mischief to which they may tend. They may be such as to be deserving of a much more serious punishment than many felonious offences; yet, under the enactments of this Bill, however enormous the offence may be, no circumstances will allow of your inflicting a greater term of imprisonment than six months. It really seems to me the most capricious thing in the world to attempt to lay down any fixed rule for cases of this sort. But the rule which the Bill lays down, as to fine, is yet more extraordinary than the other. One would have thought that a fine ought always to be imposed with reference to the pecuniary means of the party. Thus, we know, that a penalty of 10*l.* may be as much to one individual to pay, as a penalty of 1,000*l.* would be to another. Yet the hon. and learned Member for Kilkenny proposes that, however great the offence may be, there shall in no case of libel be a fine of greater amount than 100*l.*: so that, if some *millionnaire* choose to libel anybody, he may go into a town, with a bag of money carried before him by one of his servants, and do so in the most outrageous manner, making up his mind to lay out so much money upon such an employment. There is one other point involved in this Bill, in connexion with which I shall always contend for this principle, namely; that where a libel is published in a newspaper, it shall always be competent to the proprietor to show, that such libel was published without his privity, or consent, or knowledge. *Primâ facie*, the proprietor of a newspaper is liable to prosecution for publishing a libel; but I consider it to be clearly the law,—and it has so been held by the highest authorities,—that if the proprietor can show that any agent of his, unauthorised by him, or that any accident, beyond his control at the time,—has caused the publication of such libel; the proprietor, though he may be civilly responsible, cannot be made criminally liable. The law of England never means to visit people, thus unintentionally offending, in this manner. The spirit of our law is quite opposed to such principle. I will not now detain the House any longer. I think I have said enough to show the House, that, however great and admitted the defects of the existing law of libel may be, there is no hope of the slightest improvement in it being produced by this Bill. I excessively regret that the Bill before the House does not, in any manner, answer the expectations I had formed of it, from the well-known ability of the hon. and learned Member for Kilkenny. I did anticipate from him a measure more worthy of his high reputation. I did hope that the name of O'Connell was destined to go down to posterity by the side of those of Mr. Fox and of Lord Erskine, as a reformer of the law of libel. In that expectation I have been most grievously deceived. I cannot indulge a hope that any beneficial effect would be produced by this measure, and therefore I must oppose the second reading.

Mr. *Jervis* said, that if the hon. and learned Member for Kilkenny had proposed this Bill as a perfect measure on the law of libel, and one which ought to be passed into a law during the present Session, he should have been disposed to agree with the Attorney-General that it was too imperfect to be allowed to pass a second reading. But inasmuch as it was admitted on all hands that the present law of libel was most defective, and inasmuch as the hon. and learned Member for Kilkenny had laid down in the Bill certain general principles as to that defective state of the law, and as to the necessity of its reformation, with a view that the Bill itself should be referred to a Committee up stairs, he (Mr. Jervis) thought that, as a nucleus of a reform of the law of libel, the Bill ought to be read a second time. It would be the commencement of a reformation, the necessity of which was admitted by all. He would submit to the House that the hon. and learned Member for Kilkenny had not been very fairly dealt with by the Attorney-General. The Attorney-General, instead of discussing the principle of the Bill, had confined himself to certain clauses of it, which he deemed objectionable—passing over other clauses which he (Mr. Jervis) therefore assumed were not objected to—and then argued that, because some of the clauses were objectionable, the Bill ought to be thrown out altogether. The Attorney-General had even argued against the Bill because the blanks had been filled up in italics with the words *six months' imprisonment, and only* 100*l. fine;* although he must have known that these were matters peculiarly referable to a Committee up stairs. Again, the Attorney-General complained that *ex officio* informations were proposed to be abolished. But, in his opinion, *ex officio* informations were bad things altogether, and the Attorney-General well knew that a very strong feeling prevailed against them among the members of the bar. The Attorney-General did not contend for the propriety of that species of process in other criminal cases. Why, then, should he advocate it in cases of libel? If it were a good process in libel cases, it ought to be adopted in every other case. It was his opinion, that the power of prosecuting by *ex officio* process was calculated to act with great severity against the press. No man who had read the excellent treatises written by Lord Brougham, in reviews and elsewhere, could deny that it was not only an anomaly, but the greatest possible injustice, that in a civil action for slander the truth might be given in evidence, whereas in a criminal proceeding it could not be given. The Attorney-General admitted that some of the clauses of the Bill were good, and that the principle for admitting the truth to be given in evidence in criminal cases —not as a justification *per se*, but as showing the motive of the defendant—was a sound principle, What, then, was the objection of the Attorney-General to this clause? Why, because there was not added to it a proviso, saying, that in criminal proceedings the defendant should plead specially the truth of the libel. For this reason it was, that the Attorney-General would have the whole Bill rejected. If Bills were to be rejected on the second reading for want of provisos, he begged to inform the Attorney-General that very few would ever be read a second time. So much did he (Mr. Jervis) appreciate the clause admitting the truth of the libel to be given in evidence, that he would vote for the second reading of the Bill if it were only for the purpose of preserving that clause. He would take the liberty of controverting another position of the Attorney-General, who had said, that in the case of a male or female being put forth as a proprietor who might be only a man or woman of straw, or if the author of the libel were a mere man of straw, and these parties were in prison, there would be no means of proceeding against any of them with a view to punishment, because they could not pay damages. But could they not be imprisoned? But the Attorney-General had assumed the author of the libel to be already in gaol; even in that case, would it not be in the power of the prosecutor to detain him there, and would not that be a punishment? There was another clause in the Bill of which he highly approved; it was the clause which provided that if the proprietor of a paper should give up the author of the libel, but should not furnish the prosecutor with sufficient evidence to prove the authorship, the proprietor should pay the costs. This was a very salutary provision, and was alone amply sufficient to call upon the House to read the Bill a second time. The hon. and learned Gentleman concluded by again urging the House to send the Bill to a Committee up stairs.

Mr. *Borthwick* said, that the hon. and learned Attorney-General having made a personal charge against him, and alluded to a motion which he had recently made, as affording an instance of the desire which was assumed to be entertained by hon. Members generally to postpone practical legislation to theoretical disquisition, he begged to inquire of the hon. and learned Gentleman whether, by "practical legislation," he meant the discovery and application of an imaginary surplus, with which the House had been recently occupied for a considerable period, upon the motion of a Minister of the Crown? The hon. Gentleman then expressed himself favourable to the principle of introducing some reform into the law of libel.

Sir *Frederick Pollock* entirely concurred with all those hon. Gentlemen who had preceded him in believing that the present state of the law of libel was unsatisfactory. In the first place, with regard to *ex officio* informations, it might be a fair subject of discussion how far those informations ought to be permitted to exist in their present state, or whether they should exist at all. For his part, he was inclined to think, that the power which the Attorney-General now possessed of filing an information for libel of his own act, and *ex officio* merely—a power which was not conferred upon that officer before the year 1810 or 1811—was a power which ought no longer to exist. With respect to the costs of actions of this description, he agreed with the hon. and learned Member for Kilkenny, that it was quite monstrous, that in cases of slander, a party who was awarded damages of a less amount than 40*s.* should not be entitled to receive the costs, although in a case of libel one farthing damages carried full costs. With regard to the discretionary power which was at present vested in the judges, he certainly would say, that they did not interfere so often as he thought they ought to interfere, in deference to public opinion. The sum which was at present limited to 40*s.* should, he thought, be increased, but not to so large a sum as 10*l.* These, however, were all matters of detail, which would be best decided in Committee. With reference to the question of publication, he thought that the provisions contained in the twenty-first clause of this Bill ought to be made part of the law of the land. Speaking his opinion with perfect freedom in that House, he would state his belief that it was the law of the land at present. It was proper, however, that there should be an explicit statute upon the subject. With reference to the Attorney-General's observation, that a proprietor or publisher was not responsible by law when he could prove that the libellous matter was inserted contrary to his knowledge or consent, he (Sir F. Pollock) was sorry to say, that, although he agreed with the hon. and learned Gentleman in believing that this was the law of the land, and ought to be the law of the land, it had not been so decided. On the last occasion upon which this point was discussed in the Court of King's Bench, it was decided that, although the party accused was not aware of the publication, he was criminally responsible, and the circumstances of this case were rather remarkable; for the party was absent from his establishment when the sole copy of the libel that was issued, was sold; and the very instant of his return put a stop to the further sale. For the disposal of this single copy, however, he was convicted of the libel, fined, and, if his memory served him rightly, imprisoned for six months. That doctrine had prevailed then, and would be allowed again, and he could not help thinking that some Act of Parliament ought to pass to remove such a disgrace from the administration of the law. If it was the intention of the hon. and learned Member for Kilkenny to get this Bill read a second time, and then sent to a Select Committee up stairs, to such a course of proceeding he could not consent, for he foresaw that in such a case the Bill would be allowed to sleep for the rest of the Session, and all that was beneficial in it would be lost in consequence of the discussions on those parts of the Bill which he must say made it a most objectionable measure. Admitting, as he fully did, the advantages of a Select Committee for the arrangement and settlement of matters of detail, he had a further objection to this Bill going to a Committee up stairs, inasmuch as it contained many objectionable clauses which involved not merely details, but principles, of which it would best become the House itself to undertake the discussion. Those principles the House would appear to sanction if it consented to the second reading of this Bill. With an earnest desire that the time of the House should not be wasted in a fruitless discussion, and in the sincere hope that those improvements of the laws which all seemed agreed should be carried into effect, he conceived it would be much better that the hon. and learned Member for Kilkenny should withdraw this Bill, and after removing its objectionable provisions, bring in a new Bill, embracing only those topics as to the propriety of which there appeared to exist no doubts. He objected to those provisions of the Bill which brought libel to the lowest point at which slander commences; he objected also to the retractation clause, which provided, that if the publisher of a libel, after notice, retracted the offence in the same publication, he should be exempted from the liability which that publication incurred. Why, there were daily, weekly, monthly, and annual publications; and would it be said that a man libelled in the *Annual Register*, for instance, was to wait a year for the retractation, or that the publisher should bring out a new edition containing it? Why, the retractation in such a case would never reach the knowledge of many who had heard and been influenced, perhaps, by the original libel. He objected also to the relief given to a publisher for the disclosure of the author of the libel complained of; and his objection was, that a man might be found who would be content to remain in prison (the King's Bench, for instance) for life, on being well paid to undertake the responsibility, as general author of all the libels which (he would not say the newspapers) evil-disposed and malicious persons might trade in and send forth to the world. For the reasons he had stated, he should, if the hon. and learned Member for Kilkenny persevered in sending the Bill to a Committee up stairs, vote against the second reading. He, however, hoped the hon. and learned Member would adopt his suggestion, and withdraw the Bill for the purpose of introducing a measure of a less objectionable character.

Mr. *Poulter* said, that so many changes were required in the existing law of libel, and so few of them were embraced in the measure now before the House, that he could not give his sanction to its second reading, for which, indeed, no sufficient grounds had as yet been laid. The Bill by its 5th Clause, appeared to him to contract and almost annihilate the right of action for libel, and it left private character open to the most calumnious misrepresentations without redress. Instead of lowering the law of libel to the level of the law of slander, as the hon. and learned Member for Kilkenny did by this Bill, he would reverse the position, and make the utterer of slanders upon private character and public worth in speeches well calculated to excite the passions of the many thousands to whom they might be addressed, deeply responsible. He thought, also, that provisions ought to be made in any measure designed to alter the existing law of libel to exempt from that law substantially accurate reports of the proceedings before courts of law and the legislative assemblies. Upon this much doubt existed, as a recent case, involving a question as to the privileges of that House, had recently exhibited. It was in these times due to the country that fair and substantially correct reports of those proceedings should be published and sent forthwith to the world freed from the risk which even the publication of truth now involved. Another point he would deal with, and which was not met by this Bill, was this —he would exempt those poor people who sold publications, of the contents of which they were wholly ignorant, from the liabilities to which their trade under the existing law exposed them. The hon. and learned Member for Kilkenny had endeavoured by his Bill to define what should be libel, but it was a subject too difficult even for the hon. and learned Member to deal with. On the whole, he thought this Bill contained too little to meet the views and wishes of the country to entitle it to the sanction of the Legislature, and, holding these opinions, he should move as an amendment, that the Bill be read a second time this day six months.

Mr. Sergeant *Talfourd* would vote against the second reading of this Bill, because, great as were the defects of the present law of libel, it seemed to him to be an attempt to remedy those defects all on one side. Every provision appeared to be designed for the immunity and protection of those who disseminate slander, while not one tittle of protection was afforded to that private character and private reputation which he was sure the hon. and learned Member for Kilkenny would feel to be one of the dearest possessions any individual could enjoy. Among many other most objectionable clauses, the Bill provided, that the publisher of a libel was to have his option of impunity from criminal charge if within a week after notice in writing he retracted; or he had the option of giving up at his own will and pleasure the author, and then, because the author was surrendered, the publisher was to be held free from guilt. Was the House prepared to say, that trade in libel was no crime? Was it to be said, that the trader in slander, the pander to the worst passions, should escape from guilt by giving up to the parties assailed the author of the calumnies, however impotent he might be as an object for redress? From first to last the provisions of this Bill were framed in favour of the party guilty of slander, who was to have his choice of jury, the advantage of a reply upon the case of the party assailed and seeking redress, and indeed every thing that could conduce to his comfort, protection, immunity, and advantage. On the whole the Bill cast a degree of protection around him unequalled in any of the laws of this country. Agreeing that a measure should be brought in to prevent those mean, paltry actions for slander and libel, which were brought merely for the sake of costs, doubting whether even the hon. and learned Member would ever be able to define what should or should not be libel—satisfied also that it was right and fitting for the Legislature to apply its mind to those remedies which the defects of the law required, he could not agree to go into Committee on a Bill which was not called for by the present state of the public press, and which afforded no protection to private character from the assaults of malice.

Mr. *Maclean* concurred in what had fallen from the hon. and learned Member for Reading, and rose only to call the attention of the hon. and learned Member for Kilkenny to an omission in his Bill. The Bill abolished by the 14th section all *ex officio* and criminal informations, and provided no remedy for libels on the Crown, on Christianity, or publications of obscenity, and provided no satisfactory substitute either for the Crown or for private individuals.

Mr. *O'Connell*, in reply, remarked, that the hon. and learned Member for Oxford had misunderstood the meaning of the 14th clause, which excluded in terms the offences he had mentioned from the provisions of the Bill. Every hon. Member who had opposed the Bill had admitted, that the law of libel required to be altered; but yet no one had brought forward a measure for the purpose. His object was to have the law, which as it stood at present was atrociously bad, defined; and he would therefore divide the House.

The House divided. Ayes 47; Noes 55:—Majority 8.

List of the AYES.

Aglionby, H. A.
Bish, Thomas
Blake, Martin J.
Bodkin, J.
Brady, D. C.
Brotherton, J.
Browne, R. D.
Bulwer, E. L.
Chalmers, P.
Collins, W.
Crawford, W. S.
Fielden, J.
Gordon, R.
Hardy, J.
Hawes, B.
Hector, C. J.
Hindley, C.
Hume, J.
Hutt, W.
King, Edward B.
Lennard, T. B.
Lynch, A. H.
Maher, John
Marsland, Henry
Musgrave, Sir R. bt.
O'Brien, C.
O'Connell, J.
O'Connell, Morgan
O'Connor, Don
O'Ferrall, R. M.
Parrott, J.
Pease, J.
Philips, Mark
Power, James
Roch, D.
Rundle, J.
Talbot, J. Hyacinth
Thompson, Colonel
Thornley, T.
Wakley, T.
Wallace, Robert
Warburton, H.
Wason, R.
Wilbraham, G.
Winnington, H. J.
Wood, Alderman
Wyse, Thomas

TELLERS.
O'Connell, D.
Jervis, John

List of the NOES.

Agnew, Sir A.
Angerstein, John
Balfour, T.
Baring, F. T.
Bell, Matthew
Bramston, T. W.
Burrell, Sir C. M.
Campbell, Sir J.
Copeland, W. T.
Corbett, T.
Dunbar, George
Elley, Sir J.
Fector, J. M.
Finch, George
Follett, Sir W.
Forbes, W.
Forster, Charles S.
Freshfield, J.
Goulburn, Sergeant
Halse, James
Heathcote, G. J.
Hobhouse, Sir J.
Hogg, J. W.
Hughes, Hughes
Ingham, R.
Inglis, Sir R. H.
Lee, John Lee
Lefevre, C. S
Lennox, Lord G
Lennox, Lord A.
Lowther, J. H.
Mackenzie, T.
North, Frederick
Parker, John
Pollock, Sir F.
Price, S. G.
Pringle, A.
Rolfe, Sir R. M.
Rushbrooke, Colonel
Ryle, John
Scott, J. W.
Steuart, R.
Talfourd, Serjeant
Tooke, William
Trevor, hon. A.
Twiss, Horace
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
West, J. B.
Wilson, H.
Wortley, J. S.
Young, G. F.
Young, J.

TELLERS.
Maclean,
Poulter, J. S.

HOUSE OF COMMONS,

Thursday, May 4, 1837.

MINUTES.] Bills. Read a first time:—Custody of Infants. Sabbath.

Petitions presented. By several hon. MEMBERS, from various places, for the better observance of the Sabbath.—By several hon. MEMBERS, from various places, for the proposed Measure; and by other hon. MEMBERS, from various places, against the proposed Measure for the abolition of Church-rates.—By Mr. JERVIS and Sir RICHARD VIVIAN, from various places, for repeal of Window Tax; and from natives of Wales, against the alienation of the revenues of St. Asaph and Bangor to the see of Manchester.—By several hon. MEMBERS, from various places, for repeal of the Duty on Fire Insurances.—By Mr. EATON, of Soham, for a more speedy recovery of small Debts.—By Mr. H. T. HOPE, from Gloucester, for alteration of system of Bonding Warehouses.—By Mr. T. S. DUNCOMBE, from various places, for equalisation of Land Tax.—By Mr. WAKLEY and other hon. MEMBERS, from various places, for amendment of Factories' Act.—By Mr. CHARLES BULLER, and other hon. MEMBERS, from various places, for Municipal Corporations (Ireland).—By Mr. CHARLES

Buller, from Creeve and Clooncreff West, for abolition of Tithes (Ireland).—By Lord **Worsley** and Sir **Oswald Mosley**, from various places, for amendment of the Highway Act.—By Mr. **Aglionby**, from Kendal, for a new writ, on account of the loss, by illness, of the services of their representative.—By Sir **Richard Vyvyan** and Mr. **Pendarves**, from various places, against the monopoly enjoyed by the Post-office Shipping List.—By Mr. **Eaton**, from Grantham, for establishment of Local Courts.—By Mr. **Cowper**, from Hertford, for repeal of the duties on soap, sugar, tobacco, glass, and bricks.—By Sir **Robert Inglis**, from clergy of Oxford, against the recommendations of the Ecclesiastical Commissioners affecting cathedral Churches; and from various places, for Metropolis Improvement Bill.—By Mr. **Eaton** and other hon. **Members**, from various places, for amendment of Poor-law Act.—By Mr. **Shaw Lefevre**, from various places, for rating owners instead of occupiers of small tenements.—By Mr. **Hume**, from Bradford (York), in favour of Household Suffrage.

WINDOW-TAX.] Sir *Samuel Whalley* believing that the surplus of public revenue at the disposal of the Chancellor of the Exchequer exceeded two millions sterling, deemed it the duty of each hon. Member of that House to bring forward and press upon the attention of the House (however unpleasant it might be) his peculiar views with reference to the best method of disposing of that surplus. He hoped hon. Gentlemen would give him their attention for a short time, as he meant to take the sense of the House on his motion; and he thought it had a very prejudicial effect upon the House, and was a very great dereliction of a Member's duty to bring down hon. Members to support any particular proposition, and afterwards to close the discussion without giving those Members an opportunity of expressing and recording their opinions. He wished to press this question to a division for another reason also, which was, that he believed the Chancellor of the Exchequer would be mainly guided in disposing of any available surplus revenue by the number of Members who might vote in favour of any particular method of disposing of it; and it was with great satisfaction he observed, that, of 137 who supported him, when last he brought forward this question, in the year 1833, only seventeen had been unseated at the general election; a circumstance which went to bear out his statement of the interest felt on this question by the public generally. Moreover, that supplied a proof, as a reference to the list of names of the 137 would show, that large constituencies were not the fickle bodies they were sometimes described to be; and that, if an honest and consistent man once obtained the confidence of a large constituency, he might retain it all his life. It was only when he deserted his duties and abandoned those principles on which he first received the representation, that he became a melancholy spectacle in his latter days. He trusted he should never be placed in so sorry a condition; he hoped he should retain the confidence of his constituents to the end of his life. Having thus shown the steadiness of large constituencies, he begged to point out to the House a most material feature of this tax, namely, its tendency greatly to diminish the constituencies sending Members to that House. The repeal of this tax, he contended, would, to a very considerable extent, enlarge the constituencies; and he was fully convinced, that such enlargement would operate to the enlargement of the liberal views by which that House would be guided and conducted. There had been several schemes proposed for the disposal of the surplus revenue. The hon. Member for Finsbury and the hon. and learned Member for Bath, were anxious that the last penny of duty should be removed from newspapers; the hon. Member for Liverpool urged the repeal or reduction of the duty on tobacco; another hon. Member of that on soap, and so on; but he hoped to be able to convince the Chancellor of the Exchequer, that the claim he was then putting forward, was the best founded and the most pressing; and he must add, that he hoped the right hon. Gentleman would give him credit, when he stated that he believed the Chancellor of the Exchequer was no less desirous than himself, to relieve the people from the pressure of burthens which fell with peculiar weight upon them. Let it not be forgotten, that the Window-tax was the only remaining tax that was paid, almost exclusively, by the middle classes. There could not be a worse tax in such a country as this. Under the genial heaven of Spain, or in the pure atmosphere of Italy, such an impost might be palliated; but here, where we saw the sun so seldom, and then through a mist, it was too bad to tax the light of heaven; it was too bad to refuse to our poor, if we could not give them food and clothing, the free enjoyment of the common air. The reports of the Poor-law Commissioners declared, that the poorer classes were brought to the lowest state—that meat was a luxury which they could taste; that tea, and such little comforts, were almost beyond their reach; and he thought that, under these circumstances, they ought at least to have the free and untaxed enjoyment of the air and light of heaven. While the occupiers of large houses had received material relief from the repeal of the house-tax, very little relief had been given to the occupiers of small houses. The hon. Member concluded, by expressing it to be his intention to take the sense of the House on the subject of his resolution, and then moved—"That it is the opinion of this House, that the duty on Windows should be repealed."

Mr. *Hume* seconded the motion, and contended that the tax was not only oppressive on the poorer classes of occupiers, but was extremely prejudicial to the public health, preventing, as it did, the dwellings of the poor from being properly ventilated.

The *Chancellor of the Exchequer* said, as the hon. Member for Marylebone intended to divide the House on this occasion, it became necessary to go more at length into the subject than he otherwise should have done. In the first place, the hon. Member called upon the House to dispose of 1,200,000*l.* of the public revenue, without his being aware, or the House being aware, of what was the actual surplus with which they had to deal. He begged to call the attention of the hon. Gentleman to the great fallacy into which he had fallen. The hon. Gentleman had assumed that, upon the general quarter, there was a surplus of 2,000,000*l.*; but the hon. Gentleman really did not understand the nature of a surplus. A surplus, for the purposes for which the House had to deal with it, meant an actual surplus of income over the expenditure; but the surplus to which the hon, Gentleman had alluded, was merely the surplus of one quarter of the year over the corresponding quarter of the year preceding. It was impossible the hon. Gentleman could know what the surplus of income over the expenditure was, when the financial statement of the year had not yet been laid upon the table. The hon. Member had informed the House, that there was to be an immediate dissolution of Parliament; but upon what information that declaration was founded, he (the Chancellor of the Exchequer) was at a loss to conceive. But why was this argument addressed to the House? Were they to adopt any particular measure, not on account of its own merits, but for the sake of obtaining a false and ephemeral popularity? If the measure were a just one, it ought to be supported, whether there was to be a general election or not; but if it were an unjust measure, then the statement made by the hon. Gentleman ought not to influence their votes, but the proposition ought at once to be rejected. If the hon. Gentleman would look to the financial statement up to the 5th of April, 1837, he would not find that there was a surplus of income over the expenditure at the present moment, equal to the amount of the tax he proposed to repeal. What, then, was his proposition? It was not only that the whole of the surplus should be appropriated to the repeal of the Window-tax, but that an actual deficiency in the revenue of the country should be occasioned by the repeal of that tax. But was the Window-tax the most proper one to be selected as a subject on which relief was to be afforded? He thought not. The primary object in repealing any tax, was to afford relief from taxation which would give greater development to the productive industry of the country. He conceived, that the industrious classes at all times, and more particularly at the present time, were those who had the greatest claims on the liberality of Parliament. The hon. Gentleman had introduced political views into this question, and had said, they ought to repeal the Window-tax, because they would thereby increase the elective franchise. But he (the Chancellor of the Exchequer) would not argue the question upon that ground. If the franchise ought to be increased, let it not be done by indirect means, but in a bold and avowed manner. Was it, however, certain, that the hon. Gentleman would be affording relief to the persons whom he wished to serve, if the Window-tax were repealed? There were 2,800,000 houses in England, of which only 377,000 contributed at all to the Window-tax, and those were the houses of the wealthier classes; so that the poorer classes who inhabited the 2,400,000 houses paid no Window-tax whatever; and yet the proposition of the hon. Gentleman was to apply the whole existing surplus revenue to the relief of the persons occupying the 377,000 houses, leaving the inhabitants of the 2,400,000 houses without any means of relief by the reduction or repeal of any other tax. The inhabitants of great houses in the large towns, who contributed towards the Window-tax, were not that class of persons who had the first claim on Parliament for relief; but those by whose industry and active enterprise the wealth and commerce of the country were created and sustained. It must also be obvious to every one, that relief ought, in the first instance, to be given where the least relief had hitherto been afforded. This argument particularly applied to the present case; for already had the house-tax been repealed to the amount of 1,200,000*l.* It was true the hon. Gentleman now declared, that great injustice was done by the repeal of the house-tax, but who, at the time, were so loud for the repeal of that tax, as the hon. Gentleman and his Friends? If the Window-tax were to be repealed, there would be the same inequality of relief as was now made the ground of objection to the repeal of the house-tax. He objected to the hon. Gentleman's proposition on principle, and because he thought it bad in itself; and he should, therefore, give it a distinct negative.

Captain *Pechell* stated, that, although he as well as his constituents placed great confidence in his Majesty's Government, he felt bound on that occasion to support the motion of the hon. Member for Mary-la-bonne. If the Chancellor of the Exchequer had intimated any intention of giving partial relief by modifying this tax, he would have abstained from voting; but under the circumstances of the case, he felt bound to support the motion.

The House divided:—Ayes 48; Noes 206:—Majority 158.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Barnard, E. G.
Blunt, Sir C.
Bowring, Dr.
Bridgeman, Hewitt
Brotherton, J.
Clay, W.
Darlington, Earl of
Dennistoun, Alex.
D'Eyncourt, C. T.
Dick, Q.
Divett, E.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fector, J. M.
Fielden, J.
Fitzroy, H.
Grattan, Henry
Grote, G.
Hall, B.
Hawes, B.
Hindley, C.
Hotham, Lord
Hume, J.
Leader, J. T.
Lees, J. F.
Lewis, David
Lushington, Dr.
O'Connell, M. J.
O'Connell, Morgan
Parrott, J.
Pattison, James
Poulter, John Sayer
Robinson, G. R.
Ruthven, E.
Strickland, Sir G.
Thompson, Colonel
Tooke, Wm.
Turner, Wm.
Wakley, T.
Ward, Henry George
Wigney, I. N.
Wilks, John
Williams, W.
Williams, Sir J.
Wood, Alderman

TELLERS.
Pechell, Captain R.
Whalley, Sir S.

List of the NOES

Acheson, Viscount
Adam, Sir C.
Ainsworth, P.
Alford, Viscount
Arbuthnot, hon. H.
Bagot, hon. W.
Baillie, H. D.
Baines, E.
Balfour, T.
Barclay, David
Baring, Francis
Baring, T.
Barneby, John
Beckett, Sir J.
Bentinck, Lord W.
Bethell, Richard
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Bramston, T. W.
Buller, Sir J. B. Y.
Burrell, Sir C. M.
Burton, Henry
Byng, George
Canning, rt. hon. Sir S.
Cartwright, W. R
Cavendish, hon. G. H.
Chaplin, Colonel
Chapman, M. L.
Chisholm, A.
Clerk, Sir G. Bart.
Clive, Edward Bolton
Colborne, N. W. R.
Collier, John
Collins, W.
Conolly, E. M.
Corbet, T.
Dalmeny, Lord
Denison, J.
Dillwyn, L. W.
Donkin, Sir R.
Duffield, Thomas
Dunbar, George
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Eastnor, Viscount
Ebrington, Viscount
Edwards, Colonel
Egerton, Sir P.
Elley, Sir J.
Ellice, E.
Elwes, J.
Estcourt, T. G.
Estcourt, T.
Feilden, William
Ferguson, Sir R. A.
Fergusson, R. C.
Finch, George
Folkes, Sir W.
Follett, Sir W.
Forbes, Wm.
Forster, C. S.
Freemantle, Sir T. W.
Gladstone, T.
Gladstone, Wm. E.
Gordon, R.
Gordon, hon. W
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grey, Sir Geo. bt.
Grimston, Viscount
Grimston, honE. H.
Guest, J. J.
Hale, Robert B.
Halford, H.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hay, Sir A. L. bart.
Hayes, Sir Edm. S.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Henniker, Lord
Heron, Sir R. bart.
Hillsborough, Earl of
Holland, Edward
Houstoun, G.
Howard, P. H.
Hurst, R. H.
Ingham, R.
Inglis, Sir R. H.
Irton, Samuel
Jones, Wilson
Jones, Theobald
Kerrison, Sir Edward
Knight, Henry Galley
Knightley, Sir C.
Labouchere, H.
Law, hon. Chas. E.
Lawson, Andrew
Lefroy, A.
Lefroy, T.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord Arthur
Lincoln, Earl of
Lister, E. C.
Loch, J.
Long, W.
Longfield, R.
Lowther, Col. H. C.
Lowther, J. H.
Mackenzie, T.
Mackinnon, W. A.
M'Taggart, J.
Mangles, J.
Manners, Lord C.
Marsland, Henry
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Maxwell, H.
Methuen, P.
Miles, W.
Mordaunt, Sir J. bt.
Moreton, A.
Morpeth, Viscount
Mosley, Sir O.
Murray, J. A.
Musgrave, Sir R. bt.

Nagle, Sir R.
Neeld, Joseph
Nicholl, Dr.
North, Frederick
O'Brien, Cornelius
O'Ferrall, R. M.
Oliphant, Lawrence
Ossulston, Lord
Parker, M.
Patten, John Wilson
Pease, J.
Peel, rt. hon. Sir R.
Peel, W. Y.
Pendarves, E. W.
Perceval, Colonel
Philips, Mark
Ponsonby, W.
Ponsonby, J.
Powell, Colonel
Power, James
Price, Sir Robert
Pryme, George
Pryse, Pryse
Rice, rt. hon. T. S.
Richards, R.
Ross, Charles
Russell, Lord John
Russell, Lord Charles
Ryle, John
Scott, J. W.
Scourfield, W. H.
Seymour, Lord
Shaw, F.
Shirley, E. J.
Sinclair, Sir G.
Smith, R. V.
Somerset, Lord G.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Stuart, Lord J.
Stuart, V.
Sturt, Henry Chas.
Talbot, C. R. M.
Thompson, Paul B.
Thorneley, T.
Tracy, Charles H.
Trelawney, Sir W.
Trevor, hon. G.
Tulk, C. A.
Vere, Sir C. B.
Verner, Colonel
Vernon, Granville H.
Vesey, hon. Thomas
Wall, C. B.
Walpole, Lord
Welby, G. E.
White, Samuel
Whitmore, Thomas C.
Wilbraham, G.
Wilbraham, B.
Williams, Robert
Wodehouse, E.
Worsley, Lord
Wortley, J. S.
Wrottesley, Sir J.
Wynn, rt. hon. C. W.
Young, G. F.
Young, J.

TELLERS.

Baring, F. T.
Parker, John

UNIVERSITIES.] Mr. *Pryme* rose to move that an address be presented to his Majesty to issue a Commission to inquire into the state of the Universities of Oxford and Cambridge, and the respective colleges therein. It was essential that full inquiry should be made into these institutions, with a view to the removal of those defects which so greatly impeded their utility. A Committee of this description had been appointed during the administration of the right hon. Member for Tamworth in reference to the Scotch universities, and in consequence of the report of that Committee, several reforms and alterations had taken place in those universities. The grounds on which he now sought for an inquiry into the two great English Universities was that, having been instituted in days of less civilisation and less knowledge than the present, they were not so much adapted to the knowledge and studies of the present time as they might and ought to be. A Commission to inquire into these universities was no novelty. Commissions had been issued for this purpose in the reigns of Henry 8th, of Edward 6th, of Mary, and of Elizabeth; the result of which Commissions had been alterations in the regulations and proceedings of the colleges constituting both universities. One of the most objectionable features in the government of the universities was the *caput*, a body composed of six individuals, having each of them a veto upon all measures before they came before the senate for discussion. The consequence was, that the sense of the university could not be taken upon any question if one of these individuals chose to put his veto on it. The non-admission of Dissenters he should touch very lightly on. At Cambridge they allowed much greater latitude than at Oxford. In the course of last year a Jew was second in the examination. He remained at Cambridge, unable to take his degree; and the point to which he would invite the attention of the House was the oaths which prevented him from taking his degree. The members of the universities were obliged to take a number of oaths; and he would appeal to those individuals, many of whom he knew to entertain strong religious feelings, and ask them, was it right that a man should call God to witness he would do an act which he never intended to do, and which he knew would never be done by any of those who were around him? He would ask his hon. Friends behind him, if they had not sworn that they would remain five years at college assisting in presiding in the schools and teaching there? The Duke of Richmond had brought in a Bill to dispense with many of these oaths; but the heads of the universities were so enamoured of them—they were so in love with these oaths, which though they took they never observed—that they petitioned Parliament not to be exempted from them. There were upwards of one hundred statutes which the members of the college could not have knowledge of, and which, therefore, it was impossible for them to observe. At the end of each term the vice-chancellor pronounced absolution in favour of all those who had violated their oaths. Though he was not personally acquainted with them, he believed that there existed as great anomalies at Oxford as at Cambridge, of which he had been speaking; and he hoped that some hon. Gentleman who belonged to the University of Oxford would come forward and state what there was requiring reform in that university. Some alterations had been made in the regulations there, and they had been objected to in an article in *The Edinburgh*

Review; but he must say he did not agree in opinion with the writer of that article. The fact, however, of the existence of a difference of opinion on so important a subject was, he contended, one reason in favour of the appointment of a Commission of inquiry. The examination for a master of arts' degree was rather a singular one. The candidate appeared in the school; some trifling question was proposed to him—often a pun on the individual's name; he gave a short answer—for instance, his reply would be "Nescio," or something equally witty, and then he went and took his degree of master of arts. Another regulation was that no man should teach grammar (he was speaking of Cambridge) in any of the colleges except Jesus College. Grammar was afterwards extended to Trinity and to King's Colleges; but to what part of King's? Not to the students, only to the chorister boys there. He objected also to the restriction of giving fellowships only to men of particular counties. At St. John's College the restriction had been removed on petition to the King; at Trinity there was no restriction of the kind. A tutor of a college in Oxford, in a communication he had received from him, expressed his belief that there existed three times as many of those restricted fellowships in Oxford as at Cambridge. He stated that at his University they could not make the fellowships available for any good or profitable purpose; a number of Gentlemen were appointed fellows by virtue of their connexion with certain families, towns, or counties, without regard to their talents industry or knowledge. And it was from bodies thus constituted that the heads of colleges, that the public officers of the Universities, that the executive Government were derived. For individuals so qualified were the dignities and emoluments of tutors and examiners reserved. The result of this system was, that one-half of the classical examiners were Gentlemen who had not themselves reached the highest honours. Then he was informed that the lectures were so imperfectly or rather so abstrusely given, that the student was unable to follow them without the assistance of the private tutor. The public tutor played into the hands of the private tutor, and the consequence was, that the student, to enable him to follow the lectures, was obliged to have a private tutor, at an expense of 40*l.* a-year. The tutors had now formed a division of labour, and the same tutors would not, as they did in his time, teach mathematics, whence it followed that the student was put to an expense of 80*l.* a-year. If it were asked, was there a demand in the Universities for a change in the present system, he could answer that there was. He was most willing to admit that many improvements had taken place, but still many more were wanting. He trusted that as an inquiry had been granted into almost every other body in the kingdom, whether they were charitable institutions or corporations, that one with respect to these Universities would not be refused. Considering the connection that he had the honour to hold with one of those Universities he believed it would not be supposed that he was influenced by any hostility towards them. He had spent, with the exception of four years, his whole life in connexion with an university. He was influenced by the strongest feelings of attachment to the universities, and he brought forward his present motion actuated by an anxious desire to improve them, and to remedy the deficiencies which arose from the arbitrary statute of Elizabeth, and from the foundation being laid in ages less adapted than the present to promote study, and in which the habits of study were different from what they were now. Both at Oxford and at Cambridge there were many persons, he observed, receiving large salaries, and who did no duty. He concluded by thanking the House for the attention which hon. Members had bestowed on him, and by moving, that an humble address be presented to his Majesty, requesting him to issue a Commission to inquire into the state of the Universities of Oxford and Cambridge and the respective Colleges therein.

Mr. *Edward Lytton Bulwer*: I will first ask, are our universities national establishments?—and if they are, can we improve them? What is the gist of the motion? If we can answer both questions in the affirmative, I see no possible reason why we are to exempt the universities from that inquiry which has been granted with respect to other corporations in this country. I believe very great misapprehension exists on this question, and I do not consider that my hon. and learned Friend has removed it in his very able speech. My hon. Friend has not sufficiently pointed out the distinction between the universities and the colleges; and all the reforms that are required depend upon that distinction being kept in view. I will not occupy the House more than a minute and a-half in pointing out that distinction. In the first place, the universities existed before there were colleges at all. The pupils residing in the towns and neighbourhood had the advantage of public lectures and degrees of instruction given in the universities. How, then, did the colleges spring up? In the tenth century, when Canute came into the nation, a great passion for letters sprang up; and that passion had increased so much in the twelfth century, that charitable persons provided the means of instruction, and established lodging-houses for the residence of poor scholars. To the advantage of lodgings, board and a small pecuniary allowance were also sometimes added. As the pupils who at that time attended at the universities were much younger than the pupils of the universities in the present day, it was necessary to subject them to discipline and control; and at each of these houses graduates presided. Such of these houses as were endowed were called colleges. At first they were exceedingly few, but as the pupils became more numerous, it was found necessary to have a greater number of other lodging-houses, which were called halls or inns. In the sixteenth century, it was understood that all the pupils lodged at one or other of these houses; and let us mark the distinction that existed between the system at that time and the present. No new colleges can now be created without the consent of the chancellor; and at that time whoever pleased could have a lodging-house, with a graduate at the head of it, and a hall was established. Neither the chancellor nor any other authority could prevent the existence of a hall; and at that time no religious test was imposed, and, owing to the great competition amongst the colleges, they were much less expensive than they are ow. In the sixteenth century, Oxford was a great Catholic college, of which the country boasted. How, then, did the colleges usurp the authority of the universities? There are various causes to be assigned for this result—the civil war,—the Reformation,—the abolition of the monasteries;—all these tended to diminish the resort to the universities, and, as the great halls were in possession of large endowments, an important academic revolution at length took place. Every difficulty was thrown in the way of the establishment of new colleges; and at length there appeared the decree of the Earl of Leicester, who, being chancellor, declared that no new halls should be endowed without the consent of the chancellor. From that time the monopoly of the colleges has existed, and the universities were then turned from the national object for which they were intended. Then it was that the universities established religious tests, and that the national endowments were taken from the people, to be diverted to the purposes of a particular sect. I do not think that my hon. Friend has rested sufficiently upon this distinction. It must also be observed, that originally the universities were governed by an almost democratic constitution. The House of Convocation consisted of all the resident members of the university; but when the colleges assumed the plan of the university, it was thought best to have a college instead of an university legislature. Accordingly, by a decree, the popular House of Covocation was dissolved, and the power they possessed placed in the hands of a miserable oligarchy. Since then, the House of Convocation can entertain no proposition that has not the consent of the college oligarchy. As the colleges usurped the legislative functions of the universities, so, naturally, the universities glided out of view. The colleges possessed the honorary distinctions of an university, while they claimed all the exemptions of private corporations. They perceived, then, that universities were distinct from colleges. The universities stood open as if for all comers, while the colleges were intended only for the better classes. If to-morrow the colleges were all sunk in the Cam and the Isis, we should still leave the universities existing; and we should still, too, have that which has been usurped, and which is the property of all classes and all religions. My hon. and learned Friend has pointed out the great abuses which have existed in the colleges. Although, as my hon. and learned Friend has stated, some improvements have been effected, many abuses still remain. At Oxford and Cambridge it is the same; one is as defective as the other. But there is this difference between Oxford and Cambridge: at Oxford the test of subscription to the thirty-nine articles is imposed at matriculation, in Cambridge not until graduation; so that Dissenters can have the benefit of three years' education at Cambridge, but not at Oxford. What evil has arisen from this practice at Cambridge? No complaint has ever been made that Churchmen have sought to make proselytes of Dissenters; no fear is entertained that Dissenters make converts of members of the Church of England. Here, then, is proof that the test could be done away with at Oxford. Why not abolish it then, and all the other superfluous oaths at the same time? This would tend to the advancement of religion; for can anything be worse than to call the Deity to witness that which is never intended to be performed? I suppose it will be contended, that we have no right to interfere with the colleges. I am not certain that the House has a right to interfere with the colleges; but it certainly is competent to interfere with the universities. The reigns of Elizabeth, James 1st, and Charles 1st, have shown examples of that right having been exercised. It has been said, that the admission of Dissenters ought to be refused, because religious tuition is given in the universities. This argument, however, cannot hold good, if, as Blackstone and Mansfield have asserted, and all lawyers still assert—if, as the Parliament of Paris has declared of the college of Paris, the model of all others, the colleges are not ecclesiastical, but secular, corporations. But with respect to the religious instruction, the only religion properly taught is the heathen mythology. Scholarships, fellowships, ay, and bishoprics, are given to those who are best acquainted with this. The loves of Venus and Adonis are the study in which they are best versed; while of the Christian religion they are persuaded to study the Greek Testament merely, and Paley, that most shallow of theologians; while they are permitted to remain in ignorance of the stately literature of the Protestant Church of England. What reasonable argument can be adduced against the proposition of my hon. and learned Friend, I am utterly at a loss to conceive. Can it be contended, that an inquiry into the truth of the alleged existence of such abuses can be injurious? or are hon. Gentlemen desirous of again raising up that spirit of bigotry and intolerance which three centuries ago gave birth to Protestantism? The question before us is simply this—are those institutions which are the ancient seats of learning, the only ones which are to be exempted from the improvement which the present advanced state of civilisation in society demands? Are these the only institutions which are to remain encumbered and weighed down by all these errors and abuses? The time is fast approaching when these institutions will no longer be perverted from the purposes for which they were originally intended. The time will soon arrive when the political advantages of a citizen will no longer be guaged by the measure of his theological opinions; and, believing that the time has arrived in which this improvement should be commenced, I feel great pleasure in seconding the motion of my hon. and learned Friend.

Mr. *Poulter* believed, that oaths had been employed solely for the purpose of coercing the illegal and arbitrary acts of the colleges. He did not see that a case had been made out which would warrant the House in addressing the Crown. He would support any Bill for the admission of Dissenters, any Bill which would substitute declarations for oaths; but he did not think a commission necessary. He objected also to the proceeding suggested, as it would be an act of hostility against the Universities, antecedently to proof that they failed in performing their duties. As to the term "indigent persons," it was difficult to point out the individuals designated by that phrase; but he thought that it alluded to persons intended for the ministry, persons who, having acquired the rudiments of knowledge, were without means adequate to enable them to attain perfection. He thought the term "pauperes" signified personally poor; and he thought the class of men he had described were personally poor. An improvement had been going on progressively for many years. He thought that the mode of holding fellowships might be altered to advantage; he thought an alteration with regard to property might be introduced; he thought, also, that the disqualification on account of marriage might safely be changed, as it was in violation of a great natural principle. The proceeding recommended to the House was violent and unfair towards the Universities, which were performing the best national services. When he saw, as he did, the means of education honestly provided for by the two Universities, he could not bring himself to accede to this motion. If they looked to the schools and the exhibitions connected with the Universities, they would find in them the means of raising men of the very humblest rank, totally destitute of friends and property, to the very highest situations. He would relate a circumstance in his own knowledge, which would place this fact in a very striking point of view. About a-year ago he had a man servant, who had considerable taste for classical learning. He himself paid considerable attention to his progress, and procured an exhibition for him at the University, and he had the pleasure of seeing him cease to be his man-servant, and become a commoner of Magdalen-hall, Oxford, and in the road to honour and improvement. He considered that there was no instrument in this country which could be compared to the two Universities in providing means, where there were minds capable of improvement, for elevating men who were without other resources to situations of profit and honour. He had no objection to permit the Dissenters to establish halls in the Universities; he would vote for a measure which would abolish the taking unnecessary oaths; he would reform any great and recognized abuses; but, looking at the two Universities as seats of national education, he would not consent to injure and insult them by agreeing to this motion.

The *Chancellor of the Exchequer* could not entirely agree with the hon. and learned Member who had last spoken. It was but just to his hon. Colleague (Mr. Pryme) to cast aside the supposition that this motion was brought forward out of any hostile feeling to the Universities. The main question was, whether inquiry was necessary, and whether this was the proper mode of prosecuting it? This was the practical question. He considered that the Universities were public institutions or national establishments which it was competent to the House to inquire into. It seemed to him that the whole question turned upon this. He should be sorry to think that any number of sane men should maintain that these were not national establishments, and that if even a proper case were made out it was not fitting or proper for the House to institute an inquiry. Could it for a moment be maintained that that House had the right to legislate on that subject, and yet that they had not the right of inquiry? That House had legislated on the subject. One of the most important statutes that had ever been passed, the 18th of Elizabeth, c. 6, had reference to this subject. Surely, it never could be maintained that the Legislature had the power to act, and that they had not the power to inquire into the subject matter of their legislation. It could never be maintained, after the issue of the Scotch commission, that that House had not the power to inquire if a case of inquiry were made out, and the necessity of the inquiry proved. The effect of a contrary proposition would be to give that House the power of action without the power of deliberation. He thought that there were certain points in the Universities that called for immediate inquiry. He did not make this assertion in any thing like an adverse spirit. He had always spoken and acted towards the University of which he was a member with the utmost respect and gratitude, and he always would. But, at the same time, because he was a member of the University, because he knew their effects, because he valued their institutions, he was anxious that they should receive that reformed improvement which they required. The whole of the category of oaths demanded immediate inquiry. Could it be said when Parliament was taking steps to relieve all persons from taking unnecessary oaths, even the lowest parochial officers—could it be said or was it consonant with religion and morality, that the Members of the University should alone be precluded from inquiry as to the numerous oaths which they were compelled to take? He protested that if the Universities were open to all classes of Dissenters, he should still think that their original institution was such as to call for inquiry. He knew very well that there were many matters to which the oaths of the Universities referred which had now become obsolete, and were necessarily neglected; and he knew also that those who took these oaths were not held to the strict observance of those matters to which they so pledged their faith. But was it not a mockery to impose an oath and, at the same time, to give a means of mental reservation whereby to evade it? But this was not all. He did not allude merely to such laws as that forbidding the students to play at marbles at St. Mary's; but, if he was not mistaken, he believed that there were several rules amongst the statutes of these Universities which might be enforced at the present day, but which were still wholly neglected. He believed, but he spoke under correction, that the original intention in the foundation of one of the colleges at Oxford was to pray for the souls of those who fell at Agincourt. It could not be said, that this was a regulation applicable in the slightest degree to the present time. Yet these provisions still existed; and he believed that in many colleges, of which the King himself was visitor, even he had no power to alter or abolish any of them. With respect to the propriety of instituting a commission, into this subject, with the powers proposed to be given to them, he held in his hand a copy of the instructions to the commission instituted into the Scotch Universities, by a Government who certainly had no design for overthrowing the church, or of favouring ultra-liberal opinions, and which empowered them to "make inquiries into the mode of granting degrees of teaching, and to inquire narrowly into the rentals and revenues of universities and colleges, and also as to their mode of taking elections, with further power of framing a code of laws and regulations on the subject." This last was a power which, if this motion for a commission were to be adopted, he (the Chancellor of the Exchequer) would not consent to repose in their hands; the remedy for any proved abuses being the province, as he considered, of Parliament alone. The hon. Member for Lincoln in his speech to-night, and particularly in reference to the religious instruction at the Universities, had drawn a picture which might have been true to a certain extent when he (the Chancellor of the Exchequer) was at college; but in which he was glad to be able to say, from the experience of his subsequent visits to the University to which he belonged, a considerable alteration for the better had manifested itself of late years. The hon. Member had then, in the same breath, condemned Paley as the shallowest of theologians. Now, he would not contest the point with him; he would leave the two statements to go together for as much as they were worth. He knew that certain transcendental philosophers had arisen of late years, but for his own part he confessed he was rather of the English than the German school on these subjects. He should like to refer to Paley, if it were possible, on this very question before the House, and he would venture to predict that if they did so, they would find no man less ready to defend the obsolete statutes of the English Universities than Paley himself. Whilst, however, he came to the same practical conclusion on this matter with his hon. Friend the Member for Cambridge, he was bound to say that he did not think this motion a necessary step towards the attainment of it. The Crown had already ample power to inquire into the management and affairs of the Universities; in the words of the Scotch Universities' Commission, it had "an undoubted right" to institute a commission on the subject if it thought proper, and an ample and absolute right to direct the course of its inquiries. If, therefore, his hon. Friend would allow him to offer a suggestion, it would be that the Crown should be left to act upon its own sense of public duty, without the interposition of the House. Under these considerations he hoped his hon. Friend would not press his motion to a division; if he did, he (the Chancellor of the Exchequer), agreeing as he did in its objects, should not meet it with a direct negative, but should nevertheless feel it to be his duty to move the previous question as an amendment.

Mr. *Goulburn* said, that as the question was to be got rid of, he should not have risen to address the House, had not some points arisen in the course of the debate, which, if left unanswered, might give occasion to a supposition that the imputations which had been thrown upon the Universities, were deserved. His right hon. Friend (the Chancellor of the Exchequer) had done his duty as a Minister of the Crown and a member of the University, by declaring his determination to resist the motion, and therefore he was not called on to say how far there was such a power in the Crown. The Government would, in these respects, act upon their own responsibility; but he hoped there would be no violation of rights which, granted under charters from the Crown, sanctioned by the authority of Parliament, and confirmed by the decisions of the courts for several hundred years, stood upon a basis not easily to be shaken. He must observe, that when motions of inquiry had been made before, the Gentlemen who brought them forward, or those who supported them, had felt themselves bound to prove, that abuses did exist; but instead of that, it was acknowledged, that the Universities were in a state of progressive improvement, and fulfilling better than at any former period, the duties which they owed to society at large. His right hon. Friend said, that there was no harm meant, no injury intended, by this inquiry. It was said, that the Universities would come out of it with honour. Why, was he to be tried for an offence, because, when he was put on his trial, he was sure of an honourable acquittal? Was he to have his whole life inquired into, upon an imaginary accusation; and would his right hon. Friend console him by saying, "You will be put upon your trial, but then you will have the glorious satisfaction of coming out of the inquiry with an unspotted character, and of publishing to the world that you are as virtuous as you were supposed to be vicious?" Would that be any compensation to him? Great, however, as would be the annoyance which an individual would suffer from this proceeding, the inconvenience in the case of public bodies would be much aggravated. He should like to know, too, how discipline was to be maintained in these collegiate establishments, when parties who were engaged in tuition might be examined ten times a-day, in reference to complaints adduced against them by persons who, knowing nothing of the statutes, would be liable to fall into every kind of misconception. Then, as to the Scotch Commission. Did his right hon. Friend mean to say, that the legal power of the Crown to inquire into the state of the Universities, stood on the same grounds in England as it did in Scotland? Was it not a notorious fact, that the King was the visitor of the Scotch Universities; and that that which in England was the exception, was in Scotland the rule? Moreover, did his right hon. Friend forget what the alleged reason was, for the inquiry instituted into the Scotch Universities? Did he not know, that it was the irregularities, disputes, and deficiencies, which were said to exist therein, and the necessity of applying some remedy to cure them? If his right hon. Friend had any doubt as to that fact, he would remove it by reading an extract from the commission of inquiry itself. It was as follows:—"Our Sovereign Lord the King, considering how necessary it is that Universities and colleges should be provided with good laws, statutes, and ordinances, and being informed that certain irregularities, disputes, and deficiencies have occurred in the Universities of Scotland, calculated to impair the utility of those establishments; and considering, also, that it is his Majesty's undoubted right and prerogative to name visitors and commissioners to inquire into such irregularities, disputes, and deficiencies, and to remedy the same,"—names and appoints certain individuals to institute such inquiry. Having disposed of that point, he would now proceed to another charge which had been made by his hon. and learned Friend the Member for Cambridge, against the Universities. That charge was, that they did not accommodate themselves to the circumstances of the times—and how was it that his hon. and learned Friend proposed to remedy this inconvenience? By going back to the state of things existing in the time of Philip and Mary—that is to say, he who complained of the Universities for adhering too rigidly to the practices of antiquity, would have them go back to a period of still more remote antiquity, to render their rules and regulations more applicable than they were at present, to modern usages. His hon. and learned Friend had next spoken of the necessity of modifying the oaths now taken in the Universities, and had argued that the oaths to observe the statutes, which the change of times and circumstances rendered no longer observable, ought to be altered. His right hon. Friend had also said, that, as we had recently regulated the oath taken by custom-house officers, by parish officers, and by other public functionaries, so ought we to regulate the oaths taken by students and graduates in the Universities. It was true, that for the oath formerly taken by custom-house officers and others, we had recently substituted a declaration; and he recollected that, at the same time, the propriety of substituting a declaration for the oath taken in the Universities was brought under the consideration of Parliament. Parliament then came to this decision, that "it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorised to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, by-laws, or orders, authorising and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit, now required to be taken or made. Provided always, that such statutes, by-laws, or orders, be otherwise duly made and passed according to the charter, laws, or regulations of the particular University, other body corporate and politic, or other body so authorised as aforesaid." It was evident, then, that the point raised by his right hon. Friend, had been under the consideration of Parliament, and that Parliament, being of opinion that confidence ought to be reposed in those learned bodies, had given them power, if they pleased, to substitute a declaration in lieu of an oath. But when his right hon. Friend adverted to the impropriety of administering oaths, to observe statutes which were no longer observable, he could not help asking him how he got out of the impropriety by substituting declarations in lieu of oaths? He understood, at the time when that Act of Parliament was passed, that the declaration was to be as binding as the oath; so that, if there was a violation of any declaration on a subject where a violation of the oath would constitute the offence of perjury, there would be little benefit accomplished by making the alteration recommended by his right hon. Friend. In point of fact, his alteration would be good for nothing.

He admitted, that if he took a declaration and violated it, he did not fly in the face of the Divine authority so openly as he would do, if he took an oath and broke it; still, as an honest man, he must say, that the substitution of a declaration in lieu of an oath, would not relieve the Universities from the difficulties in which, according to his right hon. Friend, they were placed. It appeared to him, that great misapprehension, not to say ignorance, prevailed respecting the oaths taken in the Universities; and, though he should not have been surprised at a stranger sharing in that misapprehension or ignorance, he was surprised to find his hon. and learned Friend, who was himself a distinguished member of one of the Universities, participating in the general error. Beyond all question, there were many things in the statutes of the different colleges which had now fallen into desuetude. In construing those statutes, he was, therefore, bound either to depart from their literal construction, or from the details which the founders had laid down to carry their objects into effect. He thought, that he ought to pursue their main objects in the mode best calculated to make them efficient, even though he threw overboard the details which they had laid down for accomplishing them. He would exemplify what he meant by an instance taken from the college to which he himself had the honour to belong. He had with him the statutes of that college in Latin; but, as it might be more convenient to the House to learn their substance from a translation, he would state, in plain English, that the object of its establishment was to fit men for the uses of the State, and to render them in various ways serviceable to it. A solemn prayer was inserted in the statutes at their end, calling upon God to give the college his blessing, so that it might bring forth the ripe fruits of piety and science. In those statutes, it was made imperative upon the students to read carefully the topics of Aristotle, the inventions of Radulphus Agricola, the *intelligibilia* of Porphyrius, and the works of the learned John Setoun. With the exception of the first, not one of these productions, once so celebrated, was known—he would not say read—at the present time. The college, in working out the object of the original statutes, had banished those obsolete works from the course of study, and had substituted for them the best productions of modern literature and science. He contended, that in such a deviation from the plan laid down by the founder, the college authorities had been guilty of no violation of their oaths; and in confirmation of his opinion, he quoted the authority of Dr. Paley. That eminent writer on morals had a short chapter on the subject, which illustrated his meaning so well, that he could not refrain from reading it to the House. "Members of colleges in the Universities, and of other ancient foundations," says Dr. Paley, "are required to swear to the observance of their respective statutes, which observance is become in some cases unlawful, in others impracticable, in others useless, in others inconvenient. Unlawful directions are countermanded by the authority which made them unlawful. Impracticable directions are dispensed with by the necessity of the case. The only question is, how far the members of these societies may take upon themselves to judge of the inconveniency of any particular direction, and make that a reason for laying aside the observation of it. The *animus imponentis*, which is the measure of the juror's duty, seems to be satisfied, when nothing is omitted, but what, from some change in the circumstances under which it was prescribed, it may fairly be presumed that the founder himself would have dispensed with. To bring a case within this rule, the inconveniency must—1, be manifest, concerning which there is no doubt; 2, it must arise from some change in the circumstances of the institution; for, let the inconveniency be what it will, if it existed at the time of the foundation, it must be presumed that the founder did not deem the avoiding of it of sufficient importance to alter his plan; 3, the direction of the statute must not only be inconvenient in the general, for so may the institution itself be, but prejudicial to the particular end proposed by the institution; for it is this last circumstance alone which proves that the founder would have dispensed with it in pursuance of his own purpose. The statutes of some colleges forbid the speaking of any language but Latin within the walls of the college; direct that a certain number, and not fewer than that number, be allowed the use of an apartment amongst them; that so many hours of each day be employed in public exercises, lectures, or disputations; and some other articles of discipline adapted to the tender years of the students, who, in former times, resorted to Universities. Were colleges to retain such rules, nobody now-a-days would come near them. They are laid aside, therefore, though parts of the statutes, and as such included within the oath, not merely because they are inconvenient, but because there is sufficient reason to believe that the founders themselves would have dispensed with them, as subversive of their own designs." He hoped, that it would not be supposed that either he or the University which he had the honour to represent, felt any indisposition to review the statutes of that University, for the purpose of removing any anomalies which might be found therein. On the contrary, the leading authorities of that University were at present engaged in the consideration of its statutes; and he knew that those individuals, anxious as they were to guard themselves against the unjust imputations upon them which had been made in another place, and which, he was sorry to say, had been repeated in that House this evening, were equally anxious to remove those parts of the present system which were inconsistent with the modes and habits of the times, and which in themselves were either inexpedient or impracticable. He would next proceed to notice an objection which had been raised respecting the governing body of the University. It had been said, that the caput, because it was not appointed by popular election, was not fit for the government of a learned body. He denied that the election of the caput was in the exclusive nomination of the Vice-chancellor. If his right hon. Friend would take the trouble of reading the statutes of the university to which they both belonged, he would find that a double list for the caput must be presented by the Vice-chancellor to the senate, and that from those two lists the members of the caput must be appointed. However antiquated his notions might appear, he must confess, that he doubted whether it would be advantageous to the interest of science, even supposing the Crown had power to make the alteration, and to vary the constitution granted to that University by Act of Parliament, to have the time which ought to be given up to the studies of the place occupied in canvassing a large body of seats in the caput. They were wise founders, who, knowing how much the absence of agitation was conducive to contemplation and study, made an arrangement of this kind which preserved the University from popular disturbance by banishing to a distance the elements of civil confusion and discord. The next charge which he should notice, related to the oath which he and others had taken as masters of arts. It was true that by the statutes every master of arts was to preach once in five years at St. Paul's-cross. He must confess, that although he had been a master of arts for more than twice five years, he had never yet preached his initiatory sermon. He had never felt any obligation to perform that duty, nor should he feel it, if St. Paul's-cross, instead of being demolished, were now in existence. The regulation had been made when none but clergymen were admitted to the degree of master of arts, and ceased as soon as laymen became admissible to it. Another reason which had been urged for instituting this inquiry was the limitation in certain colleges of the number of fellows to be elected from particular counties. It was very singular, that in the whole course of his speech his hon. and learned Friend had scarcely mentioned a single grievance which he did not at some other part of it show to be remedied. This was especially the case in the present instance. His hon. and learned Friend had stated, that limiting the number of fellowships was an evil. Well, the fellowships had been limited in two of the largest colleges in the University of Cambridge—he meant at Trinity and St. John's. Did the governing body of either of those colleges seek to continue the limitation? No, quite the reverse. Having the power in themselves, through the medium of their visitors, those learned bodies had of their own accord relieved the fellowships of their colleges from the shackles which had been imposed upon them, and had opened them to all the world. Indeed, his hon. and learned Friend had mentioned the case of a Swiss gentleman (the late rev. Mr. Tavell, once fellow and tutor of Trinity) who had entered at one of them, had raised himself by his talents and exertions to the highest honours which the University had to bestow. He repeated, that in two of the largest colleges in his University, and he believed in several others, this limitation of numbers had been got rid of by the friendly exertions of the Crown and of the heads of houses. If those friendly exertions were to continue, and if Parliament were to afford every reasonable facility to the heads of houses, the colleges would require no commission to make the necessary alterations, but would make them readily of their own accord. There was another charge to which he must advert, as it affected a large number of gentlemen for whom he entertained the most sincere respect. His hon. and learned Friend had said, that the system of private tuition was a great abuse. He would ask his hon. and learned Friend whether he wished to get rid of that system? Did he wish to restrict the exertions of men who were anxious to gain knowledge as well as those of men who were anxious to communicate it? Would he say to students of high rank in the Universities "You have fortune—you have wealth—but you must not employ it in gaining information from those best calculated to give it you—you must not employ it in obtaining a knowledge of the arts which embellish and dignify human life—you must be kept down to the same level with the poorest man in the University, lest you gain some undue imaginary advantage over him?" For his own part, he would much rather that a young man should be employed with a tutor during the whole of the long vacation, than that he should be spending it, as his hon. and learned Friend proposed, in idleness, which was likely to disqualify him for the resumption of his studies when he returned to the University. [Mr. *Pryme:* I never said one word of the kind.] He appealed to the House whether his hon. and learned Friend had not stated that the system of private tuition was an abuse. [Mr. *Pryme:* No.] Whether he had not stated that it was a forced payment of 40*l.* a-year, and that it gave an undue advantage over those who—[Mr. *Pryme* had neither said nor meant any thing of the kind.]—"As his hon. and learned Friend said that he had misconceived his meaning upon this point, he would not push his argument on this part of the subject further." He hoped, however, that he had not mistaken his hon. and learned Friend upon another point of his argument. He understood his hon. and learned Friend to say that private tutors were necessary, because the public tutors gave their lectures so abstrusely that it was impossible for a young man to understand them without the assistance of a private tutor. He denied the fact; he asserted that the public lecturers of the different colleges did not give their lectures in so unintelligible a style. In Trinity College especially, the public tutors gave their lectures in a manner which rendered them easy to be understood by every man of ordinary comprehension; and not only did they give them thus clearly in public—they were accessible at all times in private to those students who wished for further explanation. He could mention numerous instances of men who had not had the means of obtaining private tuition, and who had yet acquired the highest honours of the University by their mere attendance on the public lectures. The hon. and learned Gentleman had also made a statement reflecting on the professors of the University. He did not know how far that statement was true, but the hon. and learned Gentleman had himself been a professor and might know from experience how far it was true that the professors did not teach publicly the sciences which they professed, or, teaching them, how far they were unsuccessful in procuring an audience among the students. Supposing the lecture rooms of some of the professors to be unattended, that might arise from no indisposition on the part of the professors to give lectures, and from no indisposition on the part of the students to profit by them, but from the ardour with which they were led to pursue the ordinary studies of the place under other professors. It had been said, that the cause of divinity suffered whenever a person oppressed by age and infirmity filled the professorship without being able to discharge its duties. He admitted that such an occurrence was unfortunate; but even when the professor of divinity was unable to discharge his functions and give lectures, there was no want of theological instruction in the university. The theological instruction which the students received in their respective colleges comprehended all the important parts of the christian faith. He could not agree with those hon. Members who had described the subscription to the thirty-nine articles required from all persons who required admittance into the University as a barrier erected by interested parties for the avowed purpose of preventing the general dissemination of that knowledge which was taught in the Universities. He had opposed the admission of Dissenters into them not upon that ground, but because he felt that, the Universities having been instituted and maintained for the support of the religion of the state, it was incompatible with that object to place the government of them in the hands of those who entertained opinions hostile to that religion. He would not detain the House any longer, especially as it appeared that the Government was not inclined to support this motion. He repeated, the universities were ready to act on their own responsibility, and to make such egulations as the change of circumstances required. They must, they ought to do so; for a contrary conduct would withdraw from them the confidence of the House and of the country, and raise up against them a mass of hostility, which he thanked God did not at present exist. The country was well aware of their value as means of extending knowledge. It saw their value not only in the individuals whom it sent to that House to be its lights and ornaments, but also in those individuals who in other places were the guides, instructors, and servants of the Government. It saw their value in the important fact, which could not be denied, that those who were opposed to them in matters of religion when they had to elect a seminary for the education of their children chose the Universities, the eyes of the land, as the places to which they would send them. There was nothing to justify the commission of inquiry into the state of those bodies, and he claimed for them exemption from any such unnecessary interference.

Mr. *Pryme* in reply, said, that after the speech of his right hon. Friend the Chancellor of the Exchequer, the question had taken a different aspect from what it had at first. His right hon. Friend agreed with him in the principle that some reformation was necessary, but he thought that it would be better to leave to the Crown the power which it had of interfering if it should seem necessary. The right hon. Gentleman (Mr. Goulburn) seemed to think that he (Mr. Pryme) had intended to make an attack on the Universities, but he appealed to the recollection of hon. Members whether he had said anything of the kind. He admitted that great improvement had of late been made in the system of both Universities, but he wished to have that improvement on some fixed principle. What he complained of was, that some colleges had so given their instructions as to render a private tutor necessary, which in many cases was a hardship. Having made this explanation, he would now, with the leave of the House withdraw his motion, in the hope that Ministers would take the necessary steps in these matters on their own responsibility.

Mr. *Estcourt* said, that after the statement of his right hon. Friend (Mr. Goulburn), he should not detain the House by more than one remark, which was, that of late years an improvement had taken place in the Universities, particularly in that of Oxford, which had gone far beyond what the hon. and learned Member for Cambridge had stated.

Motion withdrawn.

FIRST FRUITS.] Mr. *Baines* rose to make his promised motion with respect to the First Fruits. The ground on which he rested that motion was, that at present those funds were grossly misapplied, and he hoped to be able to show that a reform, and an important reform too, was called for in their administration. The first fruits were as ancient as tithes. In the year 1290, a valuation was made of livings for the purpose of ascertaining the value of first fruits and tenths, and the consequence was, it was recorded that the first fruits and tenths were of the full value of the livings of that day. At the time of the Reformation—in the reign of Henry 8th—these funds came into the possession of the State, were applied to the uses of the State, and at that time also amounted to the full value of all the livings. At that time, therefore, and at all preceding periods, the amount of the revenue, instead of being extremely small and insignificant, as at the present day, was of a very large and important description. He did not wish to weary the House by entering into unnecessary details; but he held in his hand the directions given by Henry 8th, for the purpose of ascertaining the amount of first fruits and tenths; and at that period, as he had already stated, the sum amounted to the full value of all the livings. So that, supposing a bishop to enjoy a living of 1,000*l.* a-year, it was necessary that he should pay to the First Fruits-office the full amount of that sum for the first year, and for every succeeding year one-tenth of it. In this state the law continued until the time of Philip and Mary, when the act of Henry 8th was repealed; but the very first act of Elizabeth was to re-enact the law, and with so much strictness that the full amount of the livings under the valuation of Henry 8th continued to be collected and paid during the whole of her reign, and down to the time of Queen Anne. In the reign of the last-named sovereign a statute was passed which would be remembered long in this country, and which entitled the name of Anne to great veneration and respect—he meant the statute known generally under the name of Queen Anne's bounty, by virtue of which the first fruits theretofore applied to the uses of the State were transferred to the support of the poorer clergy. How far the obligations imposed by that act had been discharged he should prove to the House by reading a very short statement, the object of which was to shew, that instead of the first fruits and tenths being applied, as was originally intended, to the full amount of the livings, they had been applied only in such a manner as to leave the poorer clergy of the country in a state of the most deplorable destitution; and it was the object of the motion with which he should conclude to endeavour to place the poorer clergy upon such a footing as should enable them to enjoy the full benefit that the statute of Anne intended them to enjoy. He found that the archbishops and bishops instead of paying the full amount of the first fruits and tenths, paid now only in this proportion: — the Archbishop of Canterbury, whose revenue, as stated by the report of the Ecclesiastical Commissioners appointed to inquire into the revenues of the Church, amounted to 19,182*l.*, instead of paying the whole of the sum for the first year to the Board of First Fruits, paid only 2,682*l.* The following table shewed the actual incomes of the archbishops and bishops, and the sums paid by them respectively as first fruits:—

An account of the sums of money paid on each induction for First Fruits into the fund for the augmentation of the maintenance of the livings of the Poor Clergy by the Archbishops and Bishops of England and Wales, and of the real annual value of the revenues of the Archiepiscopal and Episcopal Sees, as returned by the Ecclesiastical Commissioners appointed by his Majesty to inquire into ecclesiastical revenues in England and Wales dated in 1835.

Archbishops and Bishops.	Net Annual Value of Sees as returned by the Ecclesiastical Commissioners.	Amount paid as First Fruits rated in the King's Bench.
The Archbishop of Canterbury	£19,182	£2,682
The Archbishop of York	12,629	449
The Bishop of Carlisle	2,213	478
The Bishop of Chichester	4,229	609
The Bishop of Exeter	2,713	450
The Bishop of Hereford	2,516	691
The Bishop of Lichfield and Coventry	3,923	503
The Bishop of Llandaff	924	139
The Bishop of Norwich	5,395	834
The Bishop of Peterborough	3,100	373
The Bishop of Rochester	1,450	322
The Bishop of St. David's	1,897	383
The Bishop of Salisbury	3,939	1,246
The Bishop of Bangor	4,464	118
The Bishop of Bristol	2,351	294
The Bishop of Worcester	6,569	929
The Bishop of Lincoln	4,542	828
The Bishop of Oxford	2,648	343
The Bishop of St. Asaph	6,301	168
The Bishop of Bath and Wells	5,946	479
The Bishop of Gloucester	2,282	283
The Bishop of Chester	3,261	378
The Bishop of Winchester	11,151	2,873
The Bishop of Ely	11,105	1,921
The Bishop of London	13,929	900
The Bishop of Durham	19,066	1,638

These were the first yearly payments made by the bishops after entering upon their sees—payments which, according to the Act of Henry 8th, ought, for the first year, to have been equal to the full amount of their livings; and for every successive year equal to one-tenth. But they had failed to pay either the full amount of their first fruits or of the tenths; for instead of contributing for the latter a tenth of the full amount of their incomes, they paid only a tenth of the diminutive sums he had mentioned. So that the poor clergy, of whose interests the bishops should be the guardians, were by these very bishops deprived of a great portion of the funds which ought to be applied to their support. He was prepared to admit, and he made the admission most readily, that some degree of doubt had been thrown upon this subject by an expression in the sixth section of the Act of Queen Anne, in which it was said, that the payment was to be made according to the rating as that rating had theretofore existed. He knew it was not always acceptable, either in that House or elsewhere, that there should be a defender of the poor clergy; but that was one of the motives by which he was actuated, because he knew that they were in a situation of great difficulty, and could not with propriety make their complaints known in that House. He thought it incumbent upon the House, therefore, whenever the subject was brought forward, to keep an open ear to the complaints of the poor clergy, and to give to them the credence to which they were entitled. Whilst he was upon this subject he would quote the real value of ten livings in the diocese of Chester, together with sums paid by them to the Board of First Fruits:—

	Real Value.	Sums paid.		
Middleton Rectory	£1,070	£36	3	11
Aldingham	1,092	39	9	2
Prestwich	1,230	46	4	9
Ashton-under-Line	1,407	26	13	4
Lancaster	1,709	41	0	0
Rochdale	1,730	11	4	9
Standish	1,874	45	16	8
Wigan	2,230	80	10	8
Winwick	3,616	102	9	9
Manchester Coll. Church	4,025	53	6	8

After that statement, coupled with the previous statement in reference to the contributions made by the bishops, he hoped he should have for his motion the support of the hon. Gentlemen opposite, who were so zealous for the interests of the poor clergy, and of the noble Lord, the Home Secretary, whom he had heard express the benevolent wish that every poor clergyman in the country should have a living at least equal to 150*l.* a-year; and which every poor clergyman certainly would have but for the mal-administration of these funds. He believed, indeed, that the first fruits and tenths, properly collected and properly applied, would not only afford a competence to all the clergy, but would furnish a considerable sum towards the erection of new churches where they were required. He begged to ask the House whether, supposing the value of livings had declined nine-tenths, the bishops and persons interested in the disposal of those livings would not have come down to Parliament, and made a representation that it was unfitting to pay the first fruits and tenths according to the valuation of Henry 8th? Why, then, should they not now be compelled to pay according to the real value instead of the nominal value of livings. He appealed to the House and the country upon these facts, and he felt satisfied he should not make the appeal in vain. In this question he had no personal interest whatever. He took it up because he had no interest in it. If it had been taken up by a person of a different persuasion, it might have been supposed that it was done for some particular purpose; but he stood in no such situation. He did not wish to make use of it for any sectarian or hostile purpose, but simply to raise the incomes of the poor clergy up to the standard they ought to attain, and to compel the higher clergy to pay their equitable proportion, as originally required by the statute. He had another paper in his hand which he begged to offer to the consideration of the House, because it placed this matter in a very strong point of view. It appeared from the Return of the Ecclesiastical Commissioners that the revenues of the Church amounted to 3,507,591*l.* The Commissioners there stated:—

"The amount on which first fruits are payable, excluding the discharged livings, 2,450,000*l.*	
Taking each induction at an average of fifteen years, the yearly payments of first fruits would be	£166,266
The amount on which tenths are due is estimated at 2,600,000*l.*, on which the annual tenths would be	260,000
Amount produced by first fruits and tenths annually, if paid upon the full amount	426,266
Amount actually paid for first fruits and tenths on an average of years	13,000
Paid less than the full and entire amount (yearly)	£413,266

These were facts that spoke to every man's mind—facts that could not fail, he imagined, to arrest public attention. There was another circumstance of which he complained in the administration of these funds—the want of economy. He complained that more than the whole revenue of the first fruits was absorbed to pay the expenses incident to its administration. He complained that the first fruits did not yield more than 4,000*l.* a-year; he complained that upwards of 5,000*l.* a-year were spent for the purpose of distributing the first fruits according to the provisions of the benevolent statute of Anne. These were subjects that required to be brought under the consideration of Parliament; subjects to which great weight ought to be attached. A new valuation of Church lands and Church revenues having of late been made, he wished to know, why that valuation should not be acted upon in reference to first fruits, instead of the old and obsolete one upon which the statute of Anne was founded. The object of his motion was, to obtain a Committee to investigate the subject; and after the statement he had made, he thought the House would have no difficulty in acceding to that proposition. He should be disinclined in Committee to take any retrospective view of the subject. He would rather look forward than backward. He was not very much inclined to say, that those who had paid these small sums, instead of the larger sums which were due from them, should be subjected to litigation: he was only anxious that for the future more adequate payments should be made. His motion, therefore, would be so modified, as to apply only to the future. Before he sat down, however, he would just state the position in which the poor clergy stood. To show that this was not a motion without its proper use, he would state what were the revenues of the poorer clergy, as deduced from the Reports of the Commissioners on ecclesiastical revenues. There were eleven livings under 10*l.* a-year, nineteen under 20*l.*, thirty-two under 30*l.*, sixty-three under 40*l.*, and 172 under 50*l.*—making an aggregate of 297 livings under 50*l.* a-year; and yet Queen Anne's bounty, a bounty for which she was extolled to the skies at the time she instituted it, had been in operation for 130 years. Then there were 350 livings under 60*l.* a-year, 307 under 70*l.*, 254 under 80*l.*, 352 under 90*l.*, and 400 under 100*l.*—making an aggregate of livings betwixt 50*l.* and 100*l.* a-year, amounting to 1,628. Then there were livings from 100*l.* to 150*l.* a-year, amounting to 1,602; and there were livings from 150*l.* to 200*l.* a-year, amounting to 1,354. So that there were 4,882 livings, after Queen Anne's bounty had been in operation for 130 years, under the amount of 200*l.* a-year, exclusive of 5,230 curacies, averaging 81*l.* each, but many of them not amounting to 50*l.* each. He hoped that a case had been made out sufficiently strong to induce the House to consent to the Committee; and he hoped that the result of the investigation would be to increase the value of the small livings. For if the livings had only paid the tenths, and not a shilling had been paid for the first fruits, every one of these 4,882 livings would have been advanced to a sum exceeding 200*l.* a-year. It was high time, therefore, that some measure should be adopted upon this subject. It had been too long delayed, and he too, reproached himself for not having before brought it under the consideration of Parliament. But he hoped he had now exhibited it in such a way as to arrest the attention of Parliament. He relied on the good feeling of the House to pass the resolution which he should submit to its consideration, leaving it, with perfect confidence, in its hands. He begged to move, that a Select Committee be appointed "to inquire whether the full amount of the first fruits and tenths have been paid by the several persons who now are archbishops, and bishops, deans, canons, prebendaries, rectors, and vicars, in England and Wales, in respect of the several archbishoprics, bishoprics, deaneries, canonries, prebends, rectories, and vicarages, which are now possessed or have been possessed, or how much less than the actual and full amount of such first fruits and tenths have been paid by them; and whether any and what proceedings should be taken to obtain the payment of the full value of the first fruits and tenths which shall hereafter become due, in respect of such archbishoprics, bishoprics, deaneries, canonries, prebends, rectories, and vicarages, or any of them."

Lord *John Russell*: The motion of my hon. Friend rests, as I conceive, upon two grounds: the one is with respect to the full amount of first fruits and tenths which ought to be paid by the archbishops, bishops, and the rest of the clergy; and the other is, as to what shall be done in future with respect to the question of first fruits and tenths. I rather expected from some part of my hon. Friend's speech, that with respect to the former part of this question, he was not going to propose a Select Committee, to inquire into that part of the subject; but it seems that he now proposes to inquire, what is the full amount that ought to have been paid, although he does not intend to propose that, after ascertaining that amount, those who have paid the customary amount of first-fruits and tenths shall be obliged to pay the increased amount retrospectively. But he proposes that an inquiry shall be made as to what proceedings shall be taken with respect to the future. Such being the statement of my hon. Friend, I must observe, that the question of what shall be the full payment of first fruits and tenths, is merely a question as to what is due by law; and for that purpose, in order to ascertain that amount, it is certainly not necessary to have a Select Committee, unless, indeed, it shall be found, that there are very great doubts as to the construction of the statute. The words of the statute of Queen Anne, in the sixth section, say that the first fruits, as well as the tenths payable by the clergy, "should be paid according to such rates and proportions only as the same were usually rated and paid." Now, I conceive that, as a question of law, these words are quite decisive, and that they fix the certain rates and proportions which are to be paid from that time henceforth, by the persons liable to the payment of them; in the same way as the Land-tax Act of William 3rd ascertains and defines the proportions of land-tax to be paid in future. I am stating this as to what I apprehend to be the law upon the subject, if that question shall be raised; but I believe my hon. and learned Friend the Attorney-General has no doubt whatever that that is the proper construction of the statute, and that, therefore, what has been paid by the archbishops, bishops, and the rest of the clergy, is that which was legally payable by them, and that no other sum can be required of them. I shall therefore say, as to the first part of the motion, that it certainly is not necessary, neither can it be proper, for the House of Commons to appoint a Select Committee, to inquire whether the person who has to pay the customary first fruits and tenths has paid the sum which is legally due. I do not think that there is ground enough shown by my hon. Friend to raise the presumption that the sum legally due has not been paid by those from whom it was due. Then, as to the second question which my hon. Friend has raised, namely, as to the condition of the poorer clergy—that, I conceive to be entirely distinct from the first. My hon. Friend has said, that the poorer clergy are very insufficiently provided for, and that it will be right that a larger sum should be paid in the nature of first fruits and tenths; and he further stated, that by such means a sum exceeding 100,000*l.* may be obtained from the payment of first fruits, and a sum of 350,000*l.* in the shape of tenths. Now, if that were a question of law, we should have nothing else to do than to enforce the law upon the subject; but, not being a question of law, I can look upon the proposition as no other than a proposition to raise a certain tax upon the clergy different from that to which they are now liable by law. With regard to the force of that proposition, I am not going to deny that my opinion is, that, among other modes of raising the incomes of very small livings in this country, I do think that a fair and rateable proportion to be paid by the clergy, would be one means not unadvisable to be taken. But, at the same time, I cannot found that payment upon the assumption that they are now legally liable to it. If I were to support any proposition for such a charge being imposed on the clergy, I could only support it upon the ground of its being advisable to lay such a tax upon them, as a tax to which they are not now liable, but which it were expedient upon general grounds of policy to impose on them. But that is a grave question, and one connected with the question of the revenues of the clergy, the increase of small livings, and the spiritual instruction of the people; but it is not, in my view of it, a question which ought to be referred to a Select Committee. If it be proper to impose such a tax on the clergy, let a motion, at the proper time, be made to that effect, and let the House deal with that motion as it shall seem fitting to them to do: but I cannot consider it at all useful, in order to assist such a motion, that a Select Committee should be appointed to inquire whether such a tax ought to be imposed or not. With respect, then, to the question of law, it is clear and decided, that there is no need of a Select Committee to assist in ascertaining that point; and with respect to the question of policy, in imposing a tax on the clergy, it is not a fit subject for a Select Committee to inquire into. It may be a fit subject for consideration. I do not deny that it is a fit question for Parliament to entertain, but it is not one for deliberation or inquiry before a Select Committee. My hon. Friend has said, as another ground for a Select Committee, that the administration of these funds has been subject to great abuse. With respect to the general expense of the Boards alluded to, I believe there is a Select Committee already sitting; so that, with respect to the expense of the Board of Queen Anne's Bounty, and of the Office of First Fruits and Tenths, the House will soon have some information that will enable them to legislate, if neecssary, upon that subject. But no specific abuse has been assigned, with regard to the payment of the first fruits and tenths. My hon. Friend has stated no specific grounds, or any fact to induce the House to believe that there has been any specific abuse. My own belief, if I were required to state it, in opposition to my hon. Friend, is, that the Board of Queen Anne's Bounty conducts its affairs with great integrity and great consideration for the wants of the poorer clergy; and that, although there have been great mistakes and errors in the former administration of that bounty, I do not think at present,—without saying it may not be improved in some particulars,—that there is a sufficient case of abuse made out to require the interposition of this House. Therefore, seeing that there is no sufficient ground to entertain any doubt as to the law upon the subject, and seeing that there is no foundation, in point of policy, to appoint a Select Committee on a question of this grave and solemn importance, I certainly must give my negative to the proposition before the House.

The House divided:—Ayes 63; Noes 171; Majority 108.

List of the Ayes.

Attwood, T.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Bulwer, H. L.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Codrington, Admiral
Collier, J.
Collins, W.
Crawford, W. S.
Duncombe, T.
Etwall, R.
Evans, G.
Fenton, J.
Fielden, J.
Fort, J.
Grote, George
Hastie, A.
Heathcoat, J.
Hector, C. J.
Hoskins, K.
Humphery, J.
Hutt, William
Jervis, J.
Lambton, H.
Lister, E. C.
Lushington, C.
M'Leod, R.
Martin, T.
Morrison, J.
Musgrave, Sir R.
O'Connell, M.
Parrott, J.
Pattison, J.
Pease, J.
Philips, M.
Pryme, G.
Ramsbottom, J.
Rippon, C.
Rundle, J.
Scholefield, J.
Stanley, W. O.
Stuart, Lord J.
Thornley, T.
Tooke, W.
Turner, W.
Villiers, C. P.
Wakley, T.
Warburton, H.
Wason, R.
Whalley, Sir S.
Wilbraham, G.
Wilks, J.
Williams, W.
Williams, Sir J.

TELLERS.

Aglionby, H. A.
Baines, E.

List of the Noes.

Agnew, Sir A.
Alsager, Captain
Ashley, Viscount
Balfour, T.
Barclay, D
Baring, T.
Barneby, J.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Bell, M.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Bonham, R. F.
Borthwick, P.
Bowles, G. R.
Bramston, T. W.
Bruen, Colonel
Bruen, F.
Campbell, Sir H.
Campbell, Sir J.
Chandos, Marquess of
Charlton, E. L.
Chichester, J. P. B.
Chichester, A.
Chisholm, A. W.
Clerk, Sir G.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. C.
Copeland, W. T.
Curteis, H. B.
Dalmeny, Lord
Darlington, Earl of
Dillwyn, L. W.
Dowdeswell, W.
Duffield, T.
Duncombe, hon. W.
Eaton, R. J.
Egerton, Sir P.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Estcourt, T.
Farrand, R.
Fector, J. M.
Feilden, W.
Fergus, J.
Fergusson, rt. hn. R. C.
Finch, G.
Fitzroy, Lord C.
Fitzroy, hon. H.
Folkes, Sir W.
Forbes, W.
Forster, C. S.
Geary, Sir W.
Gore, O.
Goulburn, rt. hon. H.
Goulburn, Serjeant
Greene, T.
Grey, Sir G.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. S.
Hardy, J.
Hawkes, T.
Hay, Sir A. L.
Heathcote, G. J.
Henniker, Lord
Herbert, Hon. S.
Hogg, J. W.
Houstoun, G.
Howard, R.
Howick, Viscount
Hughes, W. H.
Hurst, R. H.
Jackson, Serjeant
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnston, A.
Jones, W.
Jones, T.
Irton, S.
Kearsley, J. H.
King, E. B.
Knatchbull, rt. hon. Sir E.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lawson, A.
Lefevre, Charles S.
Lefroy, rt. hon. T.
Lennox, Lord George
Lennox, Lord Arthur
Leveson, Lord
Lewis, D.
Lincoln, Earl of
Long, W.
Longfield, R.
Lopes, Sir R.
Lowther, Colonel
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mahon, Viscount
Maunsell, T. P.
Miles, W.
Mordaunt, Sir J.
Morpeth, Viscount
Mosley, Sir O.
Neeld, J.
Nicholl, J.
Ord, W.
Packe, C. W.
Parker, J.
Parry, Sir L. P. J.
Pechell, Captain
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Polhill, F.
Ponsonby, hon. J.
Poulter, J.
Praed, W. M.
Price, S. G.
Pusey, P.

Reid, Sir J. R.
Rice, rt hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Russell, Lord J.
Russell, Lord C.
Ryle, J.
Scourfield, W. H.
Seymour, Lord
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E. J.
Stanley, E.
Strutt, E.
Sturt, H. C.
Talfourd, Sergeant
Trevor, hon. A.
Twiss, H.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Vesey, hon. T.
Vyvyan, Sir R.
Walpole, Lord
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Wilson, H.
Wood, Colonel T.
Wortley, hon. J. S.
Wynn, rt. hon. C. W.
Young, G. F.
Young, Sir W.

TELLERS.

Smith, V.
Steuart, R.

OBSERVANCE OF THE SABBATH.] Sir *A. Agnew* rose to move for leave to bring in the two Bills of which he had given notice. The first was one for restraining all open desecration of the Lord's Day, and for extending to all classes of his Majesty's subjects the opportunity of resting thereon, according to the commandment. The other was to enable local authorities, under certain restrictions, to remove Saturday and Monday fairs and markets to other days. The subject had been so much canvassed already, that he would not go into any details upon it. He would only ask for a fair hearing on the subject, which had had so many petitions sent to the House in its favour. All he would ask was that the House would allow the Bill to be brought in and go to a Committee.

Mr. *Plumptre* seconded the motion. A great many persons in this country were of opinion that some measure of the kind was necessary, and the House ought therefore to inquire whether it would not be right to adopt some legislative measure to provide against the desecration of the Sabbath. Much of the prosperity and happiness of the country depended on the maintenance and dissemination of religious feelings, and, as Christian Legislators, they were called upon to see that the Lord's Day was not desecrated, and that all classes should be allowed an opportunity of rest, as directed by the Divine command.

Mr. *Warburton* said, that from the few observations of the hon. Baronet, he could perceive that the present measure differed in no material point from those of former Sessions, which went to establish one law for the rich, and another for the poor. He objected to the Bill, however, on more general grounds. He denied that of late years there was a less strict observance of the Sabbath than formerly; on the contrary, he maintained that the Sabbath was more strictly observed at present, not only by the wealthier, but poorer classes, than he remembered it to have been ten or twelve years ago. He therefore called upon the House to negative the motion of the hon. Baronet.

Mr. *Hardy* observed, that the hon. Member for Bridport had blamed his hon. Friend for bringing forward the same measure that he had proposed to the House on former occasions. Now, he would have been very much surprised had his hon. Friend acted otherwise, because on no previous occasion had he attempted to bring in a Bill which he did not think was such a one as that House ought to pass. His principles were now the same as then, and his conduct on the present occasion was in perfect conformity with those principles. Let the House enter upon the consideration of the provisions of the Bill, and if they should be then of opinion that any of them went too far, or not far enough, it would be for hon. Members to modify them in any way they might think proper. Every petition that had been presented, contained a prayer that the House would permit the Bill to go into Committee, in order that all its provisions might be duly canvassed. The hon. Member for Bridport need not flatter himself that this Bill would interfere with the poor, for it was they who had come forward and signed those petitions.

Mr. *Trevor* said, he should certainly feel it his duty to vote that the hon. Baronet's Bill be laid upon the table; at the same time he was bound to declare, that should that Bill, like former Bills on the same subject, enact one law for the rich, and another for the poor, should it prevent the poor man, who was confined during the whole week, from the enjoyment of a little rational amusement on the Sabbath-day, while it did not preclude the wealthier man from that enjoyment, and in driving his carriage wherever he pleased, he should feel himself compelled in the further stages of the Bill, to give his decided opposition to the adoption of such a principle.

Mr. *Ward* should support the proposition of the hon. Member for Bridport, being firmly convinced that it was utterly impossible for the House, to any good or practical purpose, to take upon itself the task of Sunday Legislation. This had been admitted by the right hon. Member for Tamworth, on the occasion when the modified Bill of the hon. Member for Shaftesbury was proposed, and he therefore called upon the right hon. Baronet for his vote against the present proposition. There was a growing feeling throughout the country, which would bring about the declared objects of the hon. Baronet and his Friends in a much better, and more effectual way, than any coercive legislative interference possibly could.

Colonel *Wood* begged to say, in reference to what had fallen from the hon. Member who had just sat down, that Acts for the better regulation of the Sabbath were to be found on the statute book at present. It was a subject, too, upon which he would remind the House, a vast number of persons had petitioned, who were of opinion that that House not only could legislate, but were bound to legislate upon it. He had himself presented six petitions praying the House to pass the Bill brought forward by the hon. Baronet.

Dr. *Bowring* observed, that in those places where there was least legislation respecting the Sabbath, was the Sabbath most strictly observed, and instanced Holland and Switzerland as examples. With regard to the number of petitions that had been presented on this subject, perhaps the House would be surprised to find, that according to the last report, forty-one petitions only had been presented, and that the average number of signatures attached to each was only eighty-two.

Mr. *G. F. Young* said, that the hon. Member had totally omitted the fact, that the great bulk of the petitions in favour of this measure, had been presented that evening. There was no subject whatever, with the exception he believed of the abolition of slavery, on which so large a portion of the people of this country had expressed their opinions, as upon this very subject. He repeated, none whatever. It was strange, therefore, that the opposition to this Bill should come from those, who, upon so many other occasions, were the first to impress upon the House the imperative nature of the duty which devolved upon them to pay respect to the petitions of the people.

Mr. *Villiers* said, that as the hon. Member for Tynemouth had proposed to test the philosophy of the Ministerial side of the House by their conduct upon this motion, he would judge the sincerity of the opposite side of the House by the same test; and first he would ask the hon. Member for Tynemouth whether he would, after his advocacy of this measure, be ready to make the sacrifice himself that would give it effect; and supposing he was connected with any interest—say, the shipping interest, for instance—whether he would be ready to enforce upon those who were engaged in that interest, to abstain from employment on the Sabbath-day, and prohibit any vessel from leaving any port on the Sunday; or if they had quitted the port in any day of the week, he would compel them to cast anchor on the Sunday? And if he would not, what he meant by prescribing to others, what he would not do himself? He wished also to put a question to the hon. Member for Bradford, who had expressed an anxiety for the fate of this measure, on account of its provisions, and, therefore, he supposed he was acquainted with them, which question was, whether there was any provision for compelling iron-masters to put out their furnaces on the Sabbath-day, and, if not, whether he considered the Bill perfect without it? He had heard that the hon. Member for Bradford was connected with that interest, he therefore concluded that that subject had engaged his attention. If the Bill contained no such provision, would the hon. Member introduce one?

Mr. *Hardy* replied, that after many trials, he had succeeded in having all the iron furnaces with which he had any connexion, put out nine hours on every Sunday, in order to allow the men to go to church.

Colonel *Thompson* said, he tried to put nobody down by clamour, and he treated nobody with contempt; but he was in the other situation alluded to by the hon. Member for Tynemouth; he had been urged by constituents, with some of whom he had a long, and he might call it, an hereditary connexion, to take the side of the hon. Baronet, the mover of the Bill. But he had been constrained to reply to them, that he had been born among the supporters of religious liberty, and among them he meant to die; and that by the same right by which our fathers protested against the doctrines and practice of an ancient Church, so he would protest, and if he stood alone in the House, he did not stand alone out of doors, that the Judaical observance of the Sabbath was not only not directed in the Scripture, to which all parties professed to look to for authority, but was absolutely prohibited. Why did not hon. Members trouble us about meats and drinks, and keeping the new moon and holidays; for all these were prohibited in precisely the same passage with Sabbath days?—Why did they allow the open sale of such food as pork and sausages? Why did they not propose, that on the assembling of a new Parliament, the Sergeant-Surgeon should attend upon the Speaker, and every hon. Gentleman be circumcised as he came to the table to be sworn? Why did hon. Gentlemen impose one burthen on their neighbours, and evade the other in their own proper persons? And why could they not content themselves with the full enjoyment of their own religious opinions, in which nobody would be more ready to protect them than himself, without loading their neighbours with burthens too heavy to be borne? He was the more earnest to make this declaration, because there were many hon. Members of great weight in the House, who had displayed a disposition to protect the just rights of the people on this subject from political motives, and who possibly might not have given attention to the fact, that the question of authority was really as he had stated.

The House divided:—Ayes 199; Noes 53: Majority 146.

List of the AYES.

Alsager, Captain
Ashley, Viscount
Baillie, H. D.
Baines, E
Balfour, T.
Barclay, D.
Baring, F. T.
Barron, H. W.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Bell, M.
Bethell, R.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Bonham, R. Francis
Borthwick, P.
Bowles, G. R.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Buller, Sir J. Y.
Campbell, Sir H.
Campbell, Sir J.
Castlereagh, Viscount
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marquess of
Charlton, E. L.
Chichester, J. P. B.
Chichester, A.
Chisholm, A. W.
Clerk, Sir G.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Collier, John
Compton, H. C.
Crompton, S.
Darlington, Earl of
Dowdeswell, W,
Duffield, T.
Duncombe, hon. W.
Dunlop, J.
Eaton, R. J.
Egerton, Sir P.
Elley, Sir. J.
Elwes, J. P.
Estcourt, T.
Etwall, Ralph
Farrand, R.
Fector, J. M
Fielden, W.
Fenton, J.
Fergusson, rt. hn. R. C.
Finch, George
Fitzroy, Lord C.
Fitzroy, hon. H.
Folkes, Sir W.
Follett, Sir W.
Forbes, W.
Forster, C. S.
Fremantle, Sir T.
Geary, Sir W.
Gordon, Robert
Goulburn, rt. hon. H.
Goulburn, Serjeant
Green, T.
Grey, Sir G.
Hale, Robert B.
Halse, J.
Hawkes, T.
Heathcote, G. J.
Herbert, hon. S.
Hindley, C.
Hogg, J. W.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, R.
Hughes, W. H.
Humphery, J.
Hurst, R. H.
Jackson, Serjeant
Jervis, John
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnstone, J. J. H.
Johnston, Andrew
Jones, W.
Jones, T,
Irton, Samuel
Kearsley, J. H.
Kirk, P.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lawson, A
Lefevre, C. S.
Lefroy, right hon. T.
Lennox, Lord G.
Lennox, Lord Arthur
Lewis, D.
Lincoln, Earl of
Lister, E. C.
Long, W.
Longfield, R.
Lowther. J. H.
Lushington, C.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Macleod, R.
Mactaggart, J,
Marsland, T.
Martin, T.
Maunsell, T. P.
Miles, W.
Mordaunt, Sir J.
Morpeth, Viscount
Mosley, Sir O.
Neeld, John
Nicholl, J.
Palmer, G.
Parker, M.
Parry, Sir L. P.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Col.
Pigot, Robert
Plumptre, John P.
Polhill, Frederick
Ponsonby, hon. J.
Poulter, J. S.
Praed, W. M.
Price, S. G.
Pringle, A.
Pryme, G.
Pusey, P.
Reid, Sir John Rae
Rice, rt. hon. T. S.
Richards, John
Richards, R.
Rickford, Wm.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Russell, C.
Russell, Lord J.
Russell, Lord C.
Ryle, J.
Sanderson, R.
Sandon, Viscount
Scholefield, J.
Scourfield, W. H.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Somerset, Lord G.
Stanley, E. J.
Stanley, E,
Stanley, W. O.
Steuart, R.
Strangways, hon. J.
Sturt, H. C.
Talfourd, Sergeant
Thompson, Ald.
Tooke, W.
Trevor, hon. A.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Walker, R.
Whitmore, T.
Wilbraham, G.
Wilbraham, hon. B.
Wilks, J.
Williams, R.
Williams, Sir J.
Wilmot, Sir J. E.
Wilson, Henry
Winnington, H. J.

Wood, Colonel T.
Wortley, hon. J. S,
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Agnew, Sir A.
Hardy, J.

List of the Noes.

Aglionby, H. A.
Angerstein, J.
Anson, hon. Colonel
Biddulph, Robert
Blake, M. J.
Bodkin, J.
Bowring, Dr.
Bridgeman, H.
Buller, E.
Bulwer, H. L.
Chalmers, P.
Codrington, Admiral
Collins, W.
Curteis, H. B.
Divett, E.
Duncombe, T.
Dundas, hon. T.
Ellice, right hon. E.
Evans, G.
Fielden, J.
Fergus, J.
Fort, J.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hector, C. J.
Heron, Sir R.
Hutt, Wm.
Leveson, Lord
Marshall, William
Marsland, Henry
Milton, Viscount
Mullins, F. W.
O'Connell, J.
O'Connell, M.
Pattison, J.
Pechell, Captain
Philips, M.
Ramsbottom, John
Rippon, Cuthbert
Rundle, J.
Ruthven, E.
Seymour, Lord
Speirs, A.
Stuart, Lord J.
Strutt, E.
Thompson, Col.
Thornely, T.
Tulk, C. A.
Turner, W.
Wakley, T.
Wason, R.

TELLERS.

Warburton, H.
Ward, H. G.

Fairs and Markets.] Sir A. Agnew also moved for leave to bring in a Bill for enabling local authorities, under certain restrictions, to remove Saturday and Monday fairs and markets to other days, but after a short conversation withdrew it.

HOUSE OF LORDS,

Friday, May 5, 1837.

Minutes.] Bills. Read a second time:—Sunday Church Notices.

Petitions presented. By the Earl of Brownlow, from Grantham, in favour of Local Courts.—By several noble Lords, from various places, for the abolition of Church-rates.—By the Bishop of Hereford, from Nutwick, Hereford, against the abolition of Church-rates.—By Lord Gort and the Earl of Roden, from various places in Ireland, against Municipal Corporations (Ireland).—By the Marquess of Bute, from places in Scotland, for the better observance of the Sabbath.

Abolition of Oaths.] The Duke of *Richmond* rose, pursuant to notice, to move, "that a Select Committee be appointed to inquire into the expediency of substituting declarations in lieu of oaths in certain cases. In 1834 and 1835, measures were adopted by their Lordships which sanctioned the principle that he wished to see carried fully into effect. In consequence of what was then done, a great number of useless oaths were abolished. The object which he sought to attain by his present motion was to ascertain how far the experiment which the legislature had tried had ultimately answered. If it had answered, as he certainly believed it had, to reduce the number of oaths without injuring the revenue, then he conceived that they ought to proceed further in the same course. His great object was, to do away with oaths in all instances where proper information could be otherwise procured. He did not wish to interfere with the Courts of Law, but he was anxious to adopt such a system as would cause the people to regard oaths with greater respect and reverence than they did at present. By the Act of 1835, any person making a false declaration was punishable as for a misdemeanour; but in Scotland there was not, in law, any such thing as a misdemeanour; and therefore the law was ineffectual there. In Ireland the taking of voluntary affidavits was very common. It was here held to be a misdemeanour; and the persons taking such oaths, as well as the persons administering them, were liable to punishment. It appeared to him that the magistrates of Ireland should, in like manner be prevented from administering oaths of this nature. The noble Earl concluded by moving for a Select Committee.

The Marquess of *Westmeath* observed, that the custom of taking voluntary oaths had of late years very much decreased in Ireland.

Motion agreed to.

Penitentiary (Millbank).] Viscount *Duncannon* moved the third reading of the above Bill.

The Duke of *Richmond* was anxious that the noble Viscount should postpone the third reading of the Bill for a few days. He wished to know whether the Secretary of State for the Home Department, had enforced, as was recommended, one uniform system of discipline in different gaols. It was only consistent with justice that this course should be adopted. An Act of Parliament had been recently passed, with the most benevolent intentions, he was perfectly convinced, but it had not been acted upon in the spirit in which it was conceived. That Act repealed the law which declared that murderers should be executed in forty-eight hours after their conviction. This was done to give the malefactor time to consider the awful situation in which he was placed. But, if he could credit the publications of the day, it appeared, that in a case of this kind which occurred within the last fortnight, the individual condemned was visited by several persons, and was allowed to read the newspapers. It assuredly never was the intention of those gentlemen who introduced this Bill elsewhere, nor of their Lordships when they sanctioned it, that the time of this unfortunate criminal should be passed in reading the newspapers of the day. The measure was enacted to give him, and others situated like him, time to look into their own hearts, and to seek for consolation through the medium of contrition and repentance. He conceived that an individual thus circumstanced should be left in solitude. After a man was sentenced and ordered for execution, he ought not to be allowed to communicate with any, except his own friends, and his legal and spiritual advisers. A contrary practice prevailed in the instance to which he had alluded, and the consequence was, that it created delusive hopes, induced the individual to act the part of a hypocrite, and never to remain fixed to one story. While he was on his legs, he would ask whether his Majesty's Government had received any communication with reference to a most disgraceful exhibition which was reported to have taken place a few days ago in the city of Glocester? It was said, that there the executioner, in a state of gross and beastly intoxication, by way of making the awful scene a laughing stock to the people, slapped the criminal whom he had just hanged, on the face, and turned him round, saying, that he wished to see how the unfortunate wretch would spin. He hoped that this would be inquired into, and that measures would be taken to prevent any similar exhibition, which, if the report were true, must be viewed as most scandalous and disgraceful to a civilised country.

Viscount *Duncannon* had no objection to comply with the proposition of the noble Duke. With respect to uniformity of prison discipline, the noble Secretary of State was only waiting for the reports of the prison inspectors to adopt regulations for the purpose of effecting that object. He concurred entirely in the observations which the noble Duke had made with reference to certain prison transactions that had occurred last week. The conduct pursued towards the individual alluded to was very wrong, considering the awful situation in which he was placed. As to the other transaction, which was said to have taken place at Glocester, a communication had been made to the sheriff as to what had occurred, and calling on him to inquire into the truth of the statement. No answer had yet been received.

Third reading of the Bill postponed.

Municipal Corporations (Ireland).] Viscount *Melbourne* moved the Order of the Day for the House resolving itself into a Committee on the Municipal Corporation Bill (Ireland).

The Duke of *Wellington* could perfectly understand the motive which induced the noble Viscount on the present occasion to do no more than merely move that the House do now resolve itself into a Committee on this Bill. Ten days ago an opportunity for discussing this measure had been given to their Lordships, and he, as well as other noble Lords had then delivered their sentiments with reference to it; and certainly he should be very happy, looking to the circumstances in which he found himself placed, at the present moment, if he could consistently with his sense of duty follow the example of the noble Viscount and remain silent. But he felt that it was necessary for him to explain to their Lordships the course which he meant to propose for the adoption of the House, the reasons why he recommended that course, and the grounds upon which he himself meant to give his vote on this measure. He had stated, on former occasions, his fixed and formal opinion of this Bill. The strong opinion he then entertained was, that their Lordships ought not to adopt the principle of the measure, as it had been introduced to them; and the more he thought upon the subject, the more convinced he was, that it was impossible for their Lordships to give their consent to this Bill in its present shape. He should now state some of the reasons which induced him to entertain that opinion: for, although he had declared them more than once to their Lordships, he deemed it necessary to advert to them again. It was, he believed, perfectly true, that it was the general opinion of the Members of their Lordships' House, that it was proper and expedient to put an end to these Corporations. He knew that some noble Lords did not participate in that sentiment, but he was confident that a large majority of their Lordships did concur in it. He had stated on a former occasion, that those Corporations existed in their present state, and were brought to their present state, principally with a view to the support and protection of the religion of the Church of England established in Ireland. That, he believed, was the object of the establishment of those Corporations in their existing state. Whatever might be done with respect to those Corporations for the future, in his opinion that object ought never to be lost sight of. It might be doubted, from what had lately occurred in this country, whether that opinion was so unanimously adopted as it had been in former years; but he might venture to say the support of the Church of England in Ireland was still the policy of this country —the policy which his Majesty was sworn to maintain—the policy which that House was called by writs of summons to uphold —the policy which every Member of Parliament in either branch of the Legislature was sworn to maintain by the oaths which he had voluntarily taken. Under those circumstances, he thought he might safely say, that according to the ancient constitution, according to the modern constitution, according to the uniform policy of this country for the last 300 years, the maintenance of the Church of England in Ireland formed a prominent and important point of Legislative concern. Looking to this Bill now under consideration, in relation principally to that policy, it went undoubtedly to establish a very large number of Corporations in Ireland, the mode of their formation being, to give votes to the very lowest class of the population of the towns in which those Corporations were to be formed. This was to be done, not upon evidence of their possessing property—not, as in England, upon residence, upon the payment of rates, or the evidence of their possessing anything in the nature of property; but simply on the condition that the parties possessed a *5l.* or *10l.* qualification, made up of all kinds and descriptions of property put together; and this without any proof whatever excepting the oath of the parties themselves, of their possessing that qualification. It was well known to their Lordships that a system of perjury extensively prevailed in all parts of Ireland with a view to establish franchises of this description, He had recently seen accounts of inquiries before Select Committees into certain Parliamentary elections, which had taken place in that country, and it was impossible to glance at them without being impressed with the conviction that if any description of franchise depended solely on the oaths of the holders, every species of inquiry would be nugatory, and it would be just as wise to let in at once universal suffrage as to establish a system of franchise in such a manner. Those Corporations thus formed by persons holding a franchise of that description acquired solely by their own swearing, and without any evidence whatsoever of their possessing any property except their own oaths established a system upon which no reliance could be placed, and on which no establishment whatever could safely depend. If they wanted any proof of the danger to the Church of Ireland by the establishment of Corporations of this description, he would refer their Lordships to the declarations, he would not say of those who were the declared enemies, but he must say the strongest opponents of the Church, and who were found on every occasion making the greatest possible exertions against the Church in Ireland. Those persons were heard declaring publicly and repeatedly almost under the very view of the Government, " Give us but this Corporation Bill and all the rest will follow." If there were any doubt about it, he begged to say he should not be disposed to listen to the threats of any man; but, when his own senses convinced him that such must be the result—he meant danger to the establishment—he did say it was his duty to attend to warnings of that description to which he had adverted. They heard a great deal at different times of the absolute necessity of establishing a system of Municipal Government in Ireland, because such a system had been established in England and Scotland; but he begged leave, once for all, to say, that the analogy did not at all hold. The circumstances of the countries themselves were totally different. But, assuming that it were otherwise, if it were necessary to follow the example in England and Scotland, he wanted to know why they did not establish Corporations in Ireland upon the same footing as in England and Scotland? Let their Lordships just advert for a moment to the difference which existed between the system which had been adopted in England and Scotland, and that which was proposed to be followed in Ireland. In England, it was very true, the Corporate franchise was extended very far indeed; but the principle, the foundation of the whole system in England, was the possession of property, the proof of the possession of property by residence, by the payment of rates—every evidence, in short, of the possession of property which could be required of a man in the middling and lower ranks of society. Such was the system established in England. In Scotland it was the same, with this difference, that in England the qualification arose out of the possession of one tenement of the yearly value of 10*l.*, whereas in Scotland it was founded on the possession of tenements of the value of 10*l.*; it was the same franchise as for Parliamentary elections; and it was required that the person should have resided a year before he could acquire the franchise, and also that he should pay the assessed taxes. But in Ireland there was to be no proof whatever of the possession of property, except the party's own oath, and he was not required to pay a single shilling of taxation. There was another circumstance with respect to Scotland, in itself exceedingly curious, and which showed how very little attention noble Lords opposite had paid to the details of their own measure which they had introduced, when they now came forward and contended, that in this Bill the same principles should be followed in the case of Ireland which had been adopted with respect to England and Scotland. When he had addressed their Lordships on a former evening upon this subject, he had instanced, as one of the objections he entertained to the Bill now under consideration, the power of taxation to be possessed, and the mode in which it was to be exercised by these Corporations, for the purpose of forming a borough fund. He requested their Lordships to advert to the manner in which the same powers were exercised in Scotland. In Ireland the Corporations would have the power of raising a rate to form a borough fund, on the principle of the taxation under the 9th George 4th,—that was a graduated scale of taxation, rising to an enormous amount upon the increase of property. How did the matter stand with respect to Scotland? In the first place, Corporations had no power of taxation at all. There was an Act of Parliament which enabled every burgh in Scotland to provide for what was called corporate expenses, such as paving, lighting, watching, scavengering, supplying with water, and other expenses of that description; but what did that Act of Parliament provide? Why, that the persons who were to adopt that system under the act should have the power of voting for it in a particular assembly, to be called for that purpose; that this assembly should be composed of persons having 10*l.* houses, those having houses of a certain value having the power of naming a person to give a second vote for such houses, and the adoption or non-adoption of the system under that act in each particular burgh depending on the votes of three-fourths of the inhabitants. If that system were not adopted by three-fourths of the inhabitants, it could not be carried into execution. He begged their Lordships to compare that system as prevailing in the Scotch Corporations as formed by noble Lords opposite with that which they now proposed with respect to Ireland, according to which all those having no property were to elect the Corporations to lay on taxation on a graduated scale, rising in proportion to the amount of property, and against the wishes of the proprietors. Now, in forming Corporations for Ireland, the greatest possible care should be taken, first of all, that no injury should be done to the Church, that no establishment should be formed that could prove injurious to the Church; and in the next place, that by every means in their power they should take care nothing they did should give an influence, a paramount influence, to those in the lower classes of society, who were most likely to be under the dictation of those who were opposed to the Protestant religion in Ireland. If noble Lords opposite had only taken the pains of looking into the Scotch system, they might have found an act much more acceptable to that House and the friends of the Church than the measure which they had now brought forward. He had already stated the absolute necessity under which he thought the Legislature lay of taking care that nothing should be done in measures of this kind which might prove injurious to the Church; and certainly he, for one, never could consent to this Bill, or to any one founded on the same principles. He voted last year for the instruction proposed by a noble Friend of his (Lord Fitzgerald), and carried into execution in the Committee by his noble and Learned Friend (Lord Lyndhurst), now unfortunately absent; but he certainly was unwilling to propose any amendment of the same description to this measure, because he found that it was objected to in another place on two occasions last year, and that the same measure had now been sent up to that House a third time. In the last communication which their Lordships had on this subject with the other House of Parliament, in the course of last Session, they declared their hope that means might be found on some future occasion to enable the two Houses to co-operate in establishing some system of local government in Ireland. Their attention had been again called to the subject, at the commencement of this Session, by his Majesty's most gracious Speech from the Throne, when they returned an answer in conformity with his Majesty's desire. Accordingly, he observed, that two Bills in connexion with this subject had been presented to Parliament, besides that now immediately under consideration, one relative to the Irish Church, and the other having for its object to make a legal provision for the poor in Ireland. He could not pretend, it would be quite irregular, to enter into any general discussion upon the measure which related to the Irish Church which had lately been presented to the other House of Parliament. But from the general description of that measure, and the discussion which had taken place in reference to it, he could form some judgment as to its object. He saw nothing in it but a departure, if he might so call it, from a resolution which his Majesty's Government had adopted on a former occasion, but attended by provisions which appeared to him rather more harsh than the resolution itself, and probably more likely to be injurious to the Church. The measure, as before proposed, went to dispose of a surplus which never existed, and never was likely to exist—in that respect there was now an alteration; the measure, as now proposed, went to establish a fund for a surplus, and deprive the successors of those that held benefices hereafter of one-seventh of their income, to be applied to what was called education in Ireland. He certainly could not see a great improvement in the measure. The original measure had been changed, and so far there was some foundation to hope that the second measure would be changed also. He observed that this measure was founded on the construction of an Act of Parliament, and upon a quotation from the public records; which construction, in his opinion, was not the accurate one which ought to have been given. That being the case, he should hope that his Majesty's Government, finding that they had made an erroneous calculation in this matter, and seeing the hardship of calling on those who were already sufficiently degraded and distressed, to make a further sacrifice of fourteen or fifteen per cent. of their income, would be disposed to give way upon those particular clauses of the Irish Tithe Bill. He would not, therefore, lose all hopes that the result of discussions on the measure in that and the other House of Parliament might at last produce what for years past they had been most desirous of obtaining—a just and satisfactory adjustment of the tithe question, which would relieve the Church of Ireland from that state of great distress in which it had been involved for the last seven years. In the hope that such might be the case, he was anxious to consider of some means for carrying that measure into execution. Besides, that with respect to tithes now under the consideration of the other House of Parliament, there was another measure having for its object the establishment of a legal provision for the poor in Ireland. He was perfectly aware of the great difficulty of that question; but if it were adopted at all, if it were in any shape carried into effect, it was obvious it might afford the best and most satisfactory means of testing the qualification with respect to possession of property by the claimants of the franchise in the middle and lower classes of society, and establish a safe resting-place with respect to the franchise in Corporations or otherwise. In the hope that those measures would have this effect, he was anxious to postpone the consideration of this Bill till some future period, in order that the House might see whether those other Bills would answer the purpose of giving security to the Church of Ireland, in the first place, upon that important point of the adjustment of tithes, and whether the other would give that security to the Church and to society in Ireland, by confining the franchise to the *bona fide* possessors of property who ought to exercise it, and thus the House would have the opportunity of carrying into execution that pledge which they had given on a former occasion of co-operating with the House of Commons in adopting a system of local government for Ireland. With that view he called upon their Lordships to adjourn the consideration of this measure till some further opportunity. The time he proposed was sufficient to enable their Lordships to take the other two measures into consideration, and therefore he should conclude by proposing to substitute for the word "now," "the 9th of June."

Viscount *Melbourne* presumed that some

internal policy of party, or some reason which remained within himself, with which he was not acquainted, had induced the noble Duke not to give some information of the intention which he had declared in the conclusion of his speech; because he really considered, from the course which the noble Duke had pursued, that the proposition made, and the proceeding altogether, were of a nature quite novel in Parliamentary history, and in itself. Knowing that there were considerations of great moment with respect to, and involved in, the measure before the House, and knowing, too, that there were considerations of still greater weight to be borne in mind with respect to another House of Parliament, he thought it would have been (setting aside all feeling of courtesy), it would have been well if some time had been given to the consideration of the subject, which was one of great importance; and the proceeding of the noble Duke was one, which, as far as his experience and recollection reached, was entirely new and unprecedented. The proposition of the noble Duke went to this, that until their Lordships should see how the House of Commons would deal with the other questions which their Lordships knew to be before it, and under its consideration, they should postpone the discussion of this Bill. Their Lordships were bound to consider what were the motives which could induce them to pursue this course. He had already stated to their Lordships, that though these three measures were alluded to in the Speech from the Throne, he did not consider them to be connected or united together, or in any degree dependent upon one another. In the first place, what was it that the noble Duke offered as an argument to induce their Lordships to agree to this proposition? Supposing that they agreed to the proposition, what had they to hope for the future in respect to the measure itself? The noble Duke objected to going into Committee. He had urged no objections to the measure, except upon such points as were matters for consideration in Committee. He had taken an objection, as before, to the second reading, because the franchise was not sufficiently guarded. The noble Duke overstated the fact, when he said that the constituencies would consist of the lowest of the population. He objected, too, to the right of taxation founded upon the Act of 9 George 4th, c. 82, though that was the very Act, which the noble Duke desired to extend to all the towns in Ireland. He did not object to the scale of taxation, and the persons by whom it was proposed the parties should be elected. The present Bill proceeded upon the principle that persons rated by the vestry upon the property of the value of 5*l.* should be entitled to vote. To this an objection had been raised; but this, and others raised by the noble Duke, were precisely those which might be considered in Committee, and, therefore, it was not necessary, on the present occasion, to enter into them. But, after all, these points were entirely to be overridden and set aside by a distinct declaration which the noble Duke had made against the principle of the Bill. He said he was against the principle of the Bill, and that he never could accede to it, nor to any other founded on a similar principle. How was it possible to accede to the proposition made, when, from what the noble Duke himself said, even if they were to put off the measure, it could only be done in order to have it ultimately rejected or changed, or altered to such a degree as to render it impossible to accept it, or to make it worthless? And what did he say more? Why, the noble Duke said that the Irish Church Bill was in the highest degree objectionable, but that it held out a hope to him by the abandonment in the present measure of the resolution on which it was originally founded. But that resolution (though he felt it was not necessary to enter into that subject now) he (Viscount Melbourne) begged to say was not abandoned in substance, and its principle was fully maintained and supported. He said, then, what hope had they, with respect to the Bill, if they should concede to the proposition for which the noble Duke pressed on this occasion? With respect to the Bill for making a legal provision for the poor in Ireland, that Bill was one of the greatest importance—perhaps of the greatest importance of any measure that ever was brought before Parliament. It was admitted to be a Bill surrounded with great difficulties, and their Lordships knew the intense anxiety which was felt on the subject in this country and in Ireland; but he could not concur in the opinion which had been expressed by a noble Earl opposite, and by a noble and learned Friend near him. They had been pressed on all sides to bring forward that measure. He denied that they were under any moral compulsion to pass the Irish Poor-law Bill. He trusted that it would be found practicable to frame an efficient measure for the relief of the poor in Ireland, but if it should appear that the proposed measure was not suitable to the country for which it was intended, or if it should still further appear that it was calculated to aggravate the evils which it was intended to diminish, they were not in such a situation as would prevent them from postponing the measure, and in the propriety of such a postponement under such circumstances he was persuaded the country would fully acquiesce. At the same time he repeated his anxious hope and his confidence that the Bill at present under consideration in the House of Commons would be found to be a practicable measure, and completely adequate to the purpose for which it had been framed. But it certainly did not appear to him to be wise or prudent on the part of their Lordships—it did not appear to him that they would be doing their duty as a House of Parliament to postpone a measure the advantages of which were certain, and which was required by the country, in order to wait for another measure on the exact nature and on the efficacy of which there must of necessity hang a certain degree of ambiguity and doubt. The noble Duke said, that the Bill for the relief of the poor in Ireland would afford a criterion for judging the property of the middle and lower classes, and of thereby fixing the rate in the Municipal Bill. But nothing could be more easy than in the Bill under their Lordships' consideration to add the qualification which the Poor-law Bill might contain. Nothing would be more advantageous than the facilities to secure a proper qualification which would be afforded, should that Bill be sent to them in a mature and perfect state. As to the noble Duke's proposition, he could see no reason whatever for acceding to it. The subject had been considered in two sessions of Parliament, and their Lordships were perfect masters of it. The noble Duke said that it was their duty to protect the Church of England established in Ireland from injury; and contended that the proposed Corporations would be injurious to that Church. That was begging the question. The noble Duke had not shown a single point in which the new Corporations could be injurious to the Church of England established in Ireland, except as they might affect the constitution of the House of Commons, which was to make laws for Ireland. The course which the noble Duke called on their Lordships to pursue upon the present occasion was entirely novel. They ought always to be cautious of adopting a new course; especially with reference to the proceedings of Parliament. He begged also to suggest to their Lordships the expediency of considering what might be the effect of such a course upon the feelings and conduct of the other House of Parliament. He begged to suggest to them that the consequence of adopting such a course might be to create a struggle and contest between the two Houses. If their Lordships deferred a measure which was sent up to them by the other House of Parliament until they saw what that House did with other measures that were before them, the other House of Parliament might defer measures until they saw how their Lordships might think proper to deal with other measures before them. And he begged to remind their Lordships that such a postponement on the part of the other House of Parliament might be attended with much more awkward circumstances than any postponement on the part of their Lordships. He would not press that point any further, but as he saw no reason for postponing the consideration of the Bill before their Lordships, and as he saw no natural connexion between that Bill and the other Bills which were in progress in the other House of Parliament, he should most distinctly say, "Not content" to the noble Duke's motion.

The *Duke of Wellington*, in explanation, observed, that although he objected to much of the principle of the Irish Municipal Corporation Bill, he was not adverse to the establishment under certain circumstances of local jurisdictions in Ireland.

Lord *Fitzgerald and Vesci* was unwilling to trespass upon their Lordships' attention; but considering the part which he had felt it to be his duty to take on this subject in the last Session, when he had submitted to their Lordships certain resolutions which were agreed to, he felt that he in some degree owed it to himself, that he owed it to the interests of that country with which his noble Friend and himself were so intimately connected, that he even owed it to their Lordships, to state the grounds on which he supported the noble Duke's motion. If the proposition involved in the Irish Municipal Bill were now for the first time offered to the adoption of their Lordships—if they could be again placed in the exact situation in which they were last Session, to deal with a bill which established certain Corporations in Ireland, in lieu of Corporations to be abolished, he should not shrink from recommending to their Lordships the course which he had recommended on that occasion. But that was not the case. When he looked at the purpose for which the Corporations in Ireland had been originally established, and the object which those Corporations had in view, he was quite prepared to maintain with his noble Friend, that they were intended for the support and maintenance of Protestant institutions in Ireland. At least it could not be denied that such was the case with respect to the great majority of them established in the reign of James 1st. Considering that the Corporations in Ireland were of an exclusive character, and considering that that was not desirable under recent circumstances, he unhesitatingly concurred in the abolition of those Corporations. The noble Viscount, in the last Session, did not found the measure of abolition on any imputed delinquency on the part of the Corporations. What he then maintained was, that their exclusive character operated injuriously on the administration of justice in Ireland, as well as in other respects. He concurred with the noble Viscount in the expediency of abolishing those Corporations; and when their Lordships refused to go further, when they refused to confirm the exclusive character of the Corporations which it was proposed to create in the stead of the abolished Corporations, that refusal was founded on the same reason as the abolition; namely, the danger of giving predominant power to any party in Ireland. None of their Lordships discussed at any length the details of the Bill of last Session. Now, while he vindicated the course which he had taken last Session, if he were asked why he acquiesced in a proposition so different from that course as the present motion of his noble Friend, he would answer—not that he did not still think that the proceedings of late years had not produced an anomalous state of society in Ireland, which they could hardly hope in their days entirely to get rid of; not that he did not still think that the course which he recommended to their Lordships last year was the best course that could be pursued for securing the just administration of the law and public tranquillity in Ireland; but that he saw no ground for hoping that the measure would be accepted by the other House of Parliament which their Lordships had deemed it right to offer. That being the case, he thought it would be merely delusive and that it would excite unjust expectations, if he were to repeat his course of last Session. It could not be expected after the course which had been taken by the House of Commons, after the elaborate reasons which that House had given for taking that course, but that if their Lordships reiterated their proposition agreed to by a large majority last year, so far from conciliating, it would have the effect of widening the breach between the two Houses—an occurrence which it was their Lordships' duty, not to the constitution alone, but to their own constitutional independence, to take every proper means of averting. Such was his chief and influential motive for concurring in his noble Friend's proposition; and on no other ground should he think himself justified in abandoning the course of last Session. He could assure the noble Viscount that he shared in no councils which had for their object the defeat of the Bill or the destruction of its main objects: for he certainly did find in the manner in which the deliberations of that House last Session had been received in Ireland an additional and urgent reason for inducing them, if they could do so consistently with their duty, for departing from their course of last year, and for adopting another course which was likely to be better received. He entirely disclaimed for himself, and for his noble Friends around him, entertaining any opinion that the people of Ireland were unworthy to govern themselves. And so far was he in the last Session from placing his opposition to the Bill on the ground of the danger of Catholic ascendancy in Ireland, he well remembered, and their Lordships, perhaps, remembered, that while he admitted the existence of that danger, he contended that it must be looked boldly in the face; and that he should object to making the Corporations of Ireland of an exclusive character, whether Orange or Catholic. His objection to the Bill was, that it rendered the principle of exclusion perpetual. On these grounds he thought the course now proposed perfectly justifiable, without attributing to it any of the motives which it had pleased the noble Viscount to suspect. The reasons assigned by the House of Commons rendered it imperative on their Lordships to endeavour to adopt a proceeding which might prevent a further separation on the subject between the two Houses. If their Lordships honestly deprecated that further separation, they could not reiterate the course of last year. What then remained for them to do? The noble Viscount said, "adopt the Bill." Now, their Lordships' objection to do so was not founded on an objection to the principle of establishing Corporations in Ireland. It would be no honest concession on the part of their Lordships if they were not prepared to admit the expediency of establishing Corporations in Ireland. But they wished to be careful as to the mode in which the principle of establishing Corporations in Ireland was to be carried into effect. The noble Viscount said, that the proceeding proposed by his noble Friend was novel, and that its adoption might be attended with injurious consequences in future. He would remind the noble Viscount of a proceeding of a similar nature, not, it was true, where one House of Parliament waited for the proceedings of the other, but still it was similar. When the Catholic Relief Bill was conceded neither House would proceed with it unless it proceeded *pari passu* with a Bill for putting down the Catholic Association. This showed that it was not a new thing on the part of the Legislature to postpone the completion of one Bill until they ascertained whether or not some preliminary measure made any concession in that Bill a safe and proper one. But the noble Viscount spoke of the delicacy which ought to be observed towards the feelings of the other House of Parliament, and of the dangers which might result from delay. He should quite concur with the noble Viscount if that delay were intended to defeat the Bill; but his noble Friend's object was confined to this, namely, that it would be advantageous for their Lordships to postpone the completion of the measure now in the House until other measures should be before them which might better enable them to judge of the course which they ought to pursue. The noble Viscount asked what connexion there was between the Bill under their Lordships' consideration, and the Bills supposed to be in progress in the House of Commons, or at least which his Majesty's Government had expressed their solicitude to pass. Those Bills were the Irish Tithe Bill and the Bill for the Maintenance of the poor in Ireland. "But," said the noble Viscount, "there is no connexion between the Irish Tithe Bill and the Irish Municipal Corporation Bill." He (Lord Fitzgerald and Vesci) thought he could show that there was such a connexion between them as would make their Lordships hesitate before they placed the Church of Ireland in the power of those who, by the Bill before them, must inevitably acquire a great preponderance in the State. It should be recollected how every thing relating to the Church of Ireland had been unsettled. By the Act of Union, Parliament had entered into a solemn compact to maintain the Church of England established in Ireland. It was one of the main grounds for adopting the Catholic Relief Bill, that it would give additional security to the Protestant establishment in Ireland. Not only had that been always asserted by the warmest supporters of emancipation—among others, by that eminent man, Mr. Grattan, than whom no man had ever shown more zeal in the cause; but, in the preamble of the Bill itself, drawn up by the Lord Chancellor of Ireland, it was stated that, whereas it was necessary to provide security for the Protestant Established Church in Ireland, it was thereby enacted that relief from civil disabilities should be afforded to Catholics. The Act of Union had settled the Protestant Church Establishment in Ireland; the Catholic Relief Bill had settled the Protestant Church Establishment in Ireland; the Catholic Oaths Bill had settled the Protestant Church Establishment in Ireland. But by whom had it been unsettled? By that Parliament which seeing the law by which the Protestant Clergy in Ireland were to be secured in the enjoyment of their rights evaded or set at defiance, commenced the deduction of a large portion of the revenue of the Protestant Church, for the purpose of securing the remainder. Was he (Lord Fitzgerald and Vesci) complaining of that? No; necessity required it. But did not that same overpowering necessity (a necessity which must have been most painfully felt by their Lordships) to deduct so large a portion of the revenues of the clergy, render it imperative on them to look carefully to the means by which the remainder was to be secured? Under such circumstances was it too much to say, that a measure which gave to a large predominant party in Ireland—who professed that an alteration in the Church of that country was their object—more power over the Protestant Establishment, was not unconnected with the Irish Tithe

Bill? Without meaning to impute improper motives to any class of men, was it too much to say that a measure which was to create a new body—whose object it would evidently be to unsettle the Protestant Establishment in Ireland, who avowed their plans of confiscation, who declared their attachment to the voluntary principle—was it too much to say, that such a measure was not unconnected with a measure, the object of which was not to expose the Church of Ireland to such an attack, until Parliament had conceded to them a fair settlement of their claims? The next point which the noble Viscount had disputed was, his noble Friend's having coupled the Bill under their Lordships' consideration with the Bill which had been introduced into the House of Commons for the relief of the poor in Ireland. He did not mean to say, that the Irish Poor-law Bill was so much connected with the Irish Municipal Corporation Bill as the Irish Church Bill was. But he contended that there could be no other measure except the Bill before their Lordships, so auxiliary to the effectual operation of the Irish Church Bill as the Bill for the relief of the poor in Ireland, if well considered. Nay, he would go further; he would postpone any proceeding with the Irish Municipal Bill until the receipt of the Irish Poor Relief Bill, were it only in consideration of the former; for it was impossible to know what change in the qualifications introduced into the Irish Municipal Bill the provisions of the Irish Poor Relief Bill might render necessary. He would ask the noble Viscount if he did not really think that the Irish Poor Relief Bill, by giving a rating which should offer to the Legislature a fair test of the proper qualification to be introduced into the Irish Municipal Bill, and thereby furnishing for the Corporations a better constituency, might not be productive of a benefit well worth waiting for? He spoke it with no party feeling; but was it unfair on his part, and on the part of the noble Lords who thought with him, to urge the expediency of postponing the proceeding with the present measure until the Church establishment in Ireland was first secured; and until they should be able to avail themselves of the qualification for the Municipal Bill that might be suggested by the Poor Relief Bill? His noble Friend had most clearly stated the view which ought to be taken of the question. But the noble Viscount asserted that his noble Friend's objections were to the details rather than to the principle of the Bill, and therefore that they could be considered with more advantage in the Committee. The question was, however, how far the power which was comprehended in the details of the Bill could be conferred with safety to the Church of Ireland. The details of the Bill, therefore, became its principle. There were two propositions submitted to their Lordships by the Bill of last year; the first getting rid of vicious Corporations, the second substituting other Corporations for them. To the first proposition their Lordships then agreed; to the first proposition their Lordships would, no doubt, now agree: but he trusted that before they agreed to the second proposition they would wait until they saw that such qualifications were introduced into the Bill as would render it a safe measure with reference to the Church establishment. He hoped that he might at least claim for himself and for his noble Friends the merit of sincerity on this subject. The question of tithes in Ireland was a most important one. Not only was its settlement important as securing the due interests of the Protestant establishment in that country—not only was it important as fulfilling the pledge given upon the subject at the union—but, in his opinion, it was important as it might afford a ground for settling other disputed matters. He was not blind—(who that at all attended to the subject could be so?)—to the anomalous situation of Ireland in many respects, and to the dangers which grew out of that situation. He was well aware of the perils attendant on having an established religion which was not the religion of the majority of the people; and on having that religion which was the religion of the majority of the people unconnected with the State. But the insecure way in which the Church of England in Ireland had been left was most unjust; and that injustice occasioned evils not only to the Church, but to other and very important interests. He would not disguise the apprehensions which he felt when he contemplated the present state of Ireland. But, if the Church of England in Ireland were placed on a stable foundation; if the tithes were no longer taken from the occupying tenant, and collision were thereby prevented; and if some other questions were satisfactorily settled, he should not despair of his country, seeing that under such circumstances the great arrangements necessary for national education might be accomplished by the parties who were now divided. If the course recommended by his noble Friend were adopted; if their Lordships were induced to wait the accomplishment of the measures now in progress in the House of Commons before they proceeded with that before them, he could not but think that the delay would be attended with the happiest consequences; and there would not be found in the other House of Parliament among the Members connected with Ireland any obstinate determination to send up to the House of Lords Bills which they must know the House of Lords would not sanction. In that hope, departing from the course which he had last year pursued, and concurring with his noble Friend, he should certainly give his vote for his noble Friend's motion.

The Earl of *Wicklow* felt gratified at this question being now put in such a shape as would enable him most freely to support the proposition of the noble Duke. Had any proposition been advanced having for its object the total abolition of the Corporations of Ireland, he should have felt it his duty to oppose it. But the course which was marked out in the present instance was such, that he should not consider himself warranted in now entering at large on the great question of the propriety or impropriety of conceding corporate privileges. The proposition of the noble Duke was simply to the effect that their Lordships should do that which they had certainly been in the habit of doing at other periods, and which was nothing more than simply postponing a Bill for a limited time in one of its stages. Their Lordships must be aware that it had been a frequent occurrence to postpone a measure for weeks or days for their Lordships' own convenience. In the proposition of the noble Duke, he could see no danger whatever. It was a proposition which could by no means eventually lead to the prejudice of this measure, much less to its total loss. If, indeed, he could believe that any such intention were seriously entertained—a belief of which he disclaimed with the utmost sincerity even the most remote suspicion, feeling thoroughly assured that the noble Duke could not intend anything which he would not openly and candidly avow—if such an intention were really entertained, he (the Earl of Wicklow) was one of those who would give to the proceeding his most decided opposition. For his part, however, he apprehended no such consequences; they were not yet advanced far enough in the Session to endanger the question by its postponement, and would yet have abundance of time, before its termination, to consider the measure, in conjunction with those other circumstances, the consideration of which was judged to be essential. His noble Friend had quoted some cases to prove that there was nothing unprecedented in the course which was now proposed. There was a case which appeared to him (the Earl of Wicklow) strongly analogous, in which a similar postponement had taken place, until the result should be ascertained with reference to a measure which was pending before the other House. When the Catholic Emancipation Bill was introduced into their Lordships' House it was accompanied by another measure in the other House of Parliament, and the noble Duke had then said that he would not advance a single step until he should see the other measure advancing. That measure was one for the abolition of the 40*s.* freeholders—a measure peculiarly affecting the privileges of the other House of Parliament. And yet the noble Duke considered it to be a question of such importance that he thought himself justified in declining to proceed with the Catholic Relief Bill until he should see the other measure proceeding with it *pari passu*. He would thus answer the noble Lord opposite, who had said that there was no precedent for the course which was now proposed. He would candidly admit that while he thought the proposition of the noble Duke perfectly reasonable—a proposition, indeed, which, in his estimation, their Lordships could not with propriety refuse, he was not influenced in arriving at this conclusion by the reasons which the noble Duke had advanced. He did not see that there was any danger likely to arise to the Established Church in Ireland from the passing of this Bill. Although during the last Session he had not taken any part in the discussion of this question, actuated by the natural desire not to separate himself on any occasion from those with whom he usually acted in their Lordships' House, he admitted that it was with difficulty he had reconciled it to himself that he was justified in taking such a course; for he did not consider it proper in any Member of Parliament, more especially in one who was connected, as he was, with the country whose political relations were then under discussion, to shrink from the performance of his duty. Yet, although he had not during the last Session taken part in the debate upon this question, he was always known to have been anxious for the success of the Municipal Bill. He could not have expressed such an anxiety had he thought there was any danger to the Established Church. He was not an idle spectato of events passing in this country; and he now stated his positive conviction that the passing of this Bill, would be rather favourable than otherwise to the established Church in Ireland. When he said this Bill, he meant the Bill considered with reference to its principle. But he certainly did not think that an important measure of this description could pass through their Lordships' House without considerable amendments. It was, however, not to be considered that this was a question of granting Corporations to Ireland. Corporations had existed in that country for centuries, and the present question was not to be considered as if it were a new concession. It had been said by many noble Lords that these were Protestant Corporations. This was to a certain extent true; but there were many of the Irish Corporations included in this Bill of as ancient a date as any of the Municipal institutions of England. Many of the Irish Municipalities were instituted in the reign of Henry 2nd and John, and others (those especially in the north of Ireland) of James 1st, for purposes the propriety of which he was not at all disposed to dispute. The question was, whether they would apply a remedy to the abuses existing in those institutions—abuses which were upon all hands admitted—by extending to that country the same Reform which they had already conceded to England and Scotland. It had been said, that in exhibiting a disposition to withhold these Municipal privileges from Ireland they had been influenced by motives of a certain description. He did not think there was an individual in their Lordships' House who could justly fall under the sarcasm of the noble Viscount opposite, or of whom it could justly be affirmed that he was influenced by unworthy or party motives with reference to this question. He, for one, disclaimed being influenced by any such motives. To such a procedure he would not be a party. He believed the noble Duke to be influenced by a desire to adopt a new course upon this question, in conformity with the wishes and feelings of the other House of Parliament; and for his part, he believed that there was little danger arising from the course which was now proposed, of the principle of the Bill being established. Though, for his part, he could see no danger with which the established Church in Ireland was threatened by this measure, still he could not be blind to the fact that a great portion of the most influential individuals in the country, and of the most able Statesmen in the other House, had declared that they saw that danger; a large majority, too, of their Lordships' House had declared themselves to be of the same opinion. The noble Duke was actuated by a consideration of the danger which was thus so generally apprehended. And when it was further considered by how small a majority this Bill had been passed in the other House of Parliament, and how large a majority had voted against it in their Lordships' House on a former occasion, in his opinion, if the noble Viscount opposite was really serious in pressing this measure—if he believed that it was a measure calculated to confer much benefit upon Ireland, he would certainly adopt those means which were best calculated to carry it into effect, and avoid a precipitation of the measure, the rather that he had been assured by the noble Duke that he was determined at the fitting time to give to it the most patient consideration. With reference to an observation which had been made by the noble Viscount opposite, upon a portion of the noble Duke's speech, he would observe, that it was quite manifest, from the tenour of the noble Duke's statement, that it was not to the principle of granting Corporations to Ireland that he was opposed, but to some of the details of this Bill. The noble Viscount had adverted to what he conceived might be the possible effect produced in the other House of Parliament by the fact being made known that their Lordships were waiting for the result of certain measures pending before that House before they would consent to the passing of this Bill. He spoke with some apprehension of the probable consequences as affecting their Lordships. Now, if there was anything likely to produce the effect which the noble Viscount deplored, it was the course which he himself proposed to pursue. If the proposition for a reasonable postponement were made in good faith—if they fairly and candidly avowed that they saw nothing which they could really look upon as objectionable in the course to which the general feeling of their Lordships' House appeared to be favourable, it was impossible that any hostility to their Lordships could be excited in the public mind. He considered it, indeed, to be quite unintelligible, under the circumstances, that the noble Lord should refuse to accede to the very reasonable course which had been proposed to him for his adoption: and even if, at a subsequent period of the Session a disposition should be manifested not to concede this measure, the noble Lord could surely then, as well as now, bring forward the measure, when for his part, he should feel bound to support it. He should certainly be desirous to see the Bill in many respects amended; but the principle he would support in its perfect integrity. The Corporations of Ireland might, without any great damage, remain for another year in their present state; and in conclusion, he would sincerely request of the noble Viscount, not as a political enemy, but as a friend, to give his sanction to the proposition of the noble Duke.

The Marquess of *Lansdown*, before he stated his opinions on the question before their Lordships, wished to express the great satisfaction he felt with what he had heard from the noble Earl, and, he would add, the satisfaction with which he had heard the noble Baron who preceded him, and still more to the spirit of the remarks which he made on commenting on the speech of the noble Duke—not, he would say, with a view to remove the objections to the course proposed by the noble Duke, but to remove the objections to the arguments which had induced the noble Duke to adopt the plan which he had proposed. The noble Baron and the noble Duke last Sessions, he understood, had, in an unqualified sense, made a declaration of hostility to the principles of the Bill. The noble Duke had, however, explained that his hostility consisted not in objections to the principle, but to certain great details. He understood the noble Duke and the noble Baron to give without qualification their consent to the principle of the Bill. He did not advert to the details because these were matters of minor importance, but to what he called the invaluable principle of the Bill; and he trusted, after what had passed that night, that the noble Duke would now give his adhesion to the measure. He hoped before the debate should close to be distinctly informed what was the real objection which certain noble Lords had to a Bill, the object of which was good local Government carried on by effective and respectably constituted bodies. That was the great principle of the Bill—that was the principle which was rejected last year—rejected, he considered, very injudiciously, and the object and intention of which were to allow the people of Ireland the administration of their own local affairs, and place them on the same footing with other subjects in the United Kingdom. If that were the intention of the noble Duke he must say it gave him unbounded satisfaction. If the principle were really admitted, and if the noble Duke showed a disposition to see it usefully applied, he confessed his satisfaction was greatly diminished when the noble Duke and the noble Baron declined to go on with the plan, and take the necessary steps for carrying it into effect. He did not blame the noble Duke and the noble Baron for not taking the Bill as it stood; but what he blamed them for was, for not going into Committee to consider the details, with a view to confer on the people of Ireland those inestimable privileges which were enjoyed by the inhabitants of Great Britain. He wished to call the attention of their Lordships to the extraordinary novelty of the course pursued on the present occasion. A noble Lord had referred to a former proceeding to prove that there was no novelty in the case, though he confessed the argument of the noble Lord had failed to convince him, because the case referred to by the noble Lord had not the remotest analogy to the proposition of the noble Duke. The case quoted was that which happened when the Bill for emancipating the Catholics was introduced, and when another Bill was to accompany it, namely, a Bill for disfanchising the 40*s*. freeholders. Now that was proposed by the same Government and at the same time. Was that a question between the two Houses of Parliament, or one in which one House sought to control the decision of the other House till that Bill was passed? The cases were totally different—the Bills were introduced by the Government in that House—they were to go on *pari passu*, and their influence with Parliament was such as to enable them to carry both measures as one, or as directly bearing on one another. But did that measure bear on the proposition of the noble Duke? It certainly did not. But he had an argument still stronger, and on that point he would appeal to the noble Duke, and he was glad that on the occasion he had the benefit not only of the noble Duke's spoken, but the benefit of his recorded, opinion. The present Session was the first in which the three great measures to which the noble Duke alluded had been placed in juxtaposition. Last Session, when the noble Duke moved an amendment to the address in answer to the King's Speech, the noble Duke did not intimate that there was the slightest connexion between the three measures alluded to in the Speech—namely, Municipal Corporation Reform for Ireland, the Tithe question, and the introduction of Poor-laws into Ireland. After the address had been moved, the noble Duke, exercising that influence belonging to his high authority and station to which he was so well entitled, proposed to alter, and he was successful in doing so, part of the words, and substitute other words on the subject in question. And what were the words inserted in the amended address? his Majesty in his Speech from the Throne adverted to the expediency of inquiring into the state of the municipal Corporations of Ireland, and in the address the noble Duke proposed to add the following sentence:—"Being in possession of the report of the commission appointed to inquire into the state of the Municipal Corporations in Ireland, we will proceed, without delay, to the consideration of any defects and evils which may have been shown to exist in those institutions, for the purpose of applying such remedies as may obviate just causes of complaint, and insure the impartial administration of justice." Did that amendment refer to any other Bills? Did it advert to the administration of justice, or to any other of the topics now considered by noble Lords opposite so intimately connected with the subject under discussion? Not in the least. Now, what was the cause alleged for the proposed course of proceeding? When noble Lords talked of their intention to delay the consideration of the Bill for a month, he did not suppose that their object was to defeat the measure by delay, for he was bound to take the assurances made that night, but when they talked of delay, and said time was of little consequence, he would ask noble Lords to call to mind what they had said of the gross corruption and the incalculable mischief which attended these institutions in Ireland, and then ask if they were prepared, admitting all that confusion and all that corruption, to hang the present measure on two others never connected with it before, and to one of which there were, on the part of some, insuperable objections? But the real cause of the objection to the Municipal Bill was said to be the way in which it would affect the safety and permanency of the Established Church. He admitted that there had arisen some connexion between these two subjects; but his cause of apprehension was directly the contrary of that entertained by the noble Duke, because if there was danger to the solidity of the Established Church in Ireland he thought the very mode proposed, instead of diminishing that danger, would greatly increase it, and that the hostility to that Church would become more active than ever if the Church was connected with the refusal to the people of Ireland to manage their own concerns. He believed the greatest danger was to be apprehended on that account, and he hoped and wished that the noble Duke had abstained from mixing them up together. The Church of Ireland, all knew, was in an anomalous condition; and if they were to tell the people of Ireland that on account of their Church they were to be debarred of their privileges—that they were to be deprived of the rights and privileges enjoyed by Englishmen—of the municipal rights, too, which they had long enjoyed before—did noble Lords think that would increase the security of the Church? He wished noble Lords would descend to particulars and point out how the present Bill would endanger the Church; for notwithstanding discussions year after year—after discussions in that House and in the other House, no one had pointed out an act of hostility, or shown how the danger was to arise. If the Municipal Bill was granted, and the people of Ireland were placed on the same footing with the people of England, they might not exercise those privileges in the best way for themselves, or exert themselves as much in managing the town concerns; but it did not follow from that, because they did not regulate their municipal affairs in the best way, they were to direct their batteries charged with the ammunition with which that Bill would supply them against the sacred fabric of the Church. He contended that no power to injure the Church would be given to them by the passing of the present measure. But noble Lords said, though the power ought not to be given, still the exercise of municipal rights would give rise to a spirit of restlessness which might be directed against the Church, or any of the Protestant institutions of the country, and that it was therefore the duty of the Legislature to deprive them of the power of inflicting any act of hostility. He saw no such danger. The noble Duke and others spoke as if the Bill would give exclusive rights to the Roman Catholics, or something amounting to that. Now he contended that they were not justified in bringing such a charge against a whole population. The noble Baron could not say that the people of Ireland would abuse these privileges—he would not say they would abuse them, and he was not therefore prepared to prefer a Bill of indictment against a whole population, and say that they would act in opposition to their own interests and the proper management of their own concerns. He could not for a moment conceive that a whole population would act so inconsistently and so absurdly; and experience confirmed his arguments and views on the subject. He had some anxiety to ascertain the grounds on which noble Lords came to such a conclusion, and he had in consequence exerted himself to find out how the affairs in certain towns in Ireland were conducted under the management of the inhabitants, and he found that so far from there being any reason for casting such imputations on the people of Ireland, they were more free from blame on that head than he could possibly have expected. He would give a few instances, and he trusted noble Lords more intimately acquainted with the country than he was would correct him if wrong. He would take four towns, more completely Catholic than any others, and where the Catholics predominated, in order to show how they managed their municipal affairs. He would take Wexford, Cork, Limerick, and most Catholic Galway. He selected these towns because the peculiar bodies which managed their affairs were analogous to those which would be created by the Bill under their Lordships' consideration. He would begin with Wexford. From accidental circumstances the old Corporation, which had long enjoyed the ascendancy, had been deprived of their exclusive privileges and forced to admit Catholics into the corporate body. That had taken place some ten years ago, and while the Roman Catholics predominated in the town, and could have returned all the members of council of that creed, out of the nine mayors who had been elected since the change, only three had been Roman Catholics. That certainly was a proof that even if the majority of the inhabitants were Catholics, they would not elect Catholics to the most important situationins the towns and boroughs. Noble Lords probably were aware that by an Act passed some years ago, the new town of Limerick had the power of electing commissioners for paving, lighting, and watching the town. A large portion of these commissioners were generally Protestants, and on a late occasion a Roman Catholic banker of great respectability was proposed as a candidate, but he was not elected; and a Mr. Watson, a Protestant gentleman was preferred to the Roman Catholic. He would quote a similar instance as regarded Cork. In the Chamber of Commerce in that town there were a great many not only Protestants, but Protestant Dissenters. He would come next to Galway, and though he was not much acquainted with that town, he believed there were more Catholics in that town than in any town in Ireland of the same population. By the 9th of Geo. 4th. twenty-one commissioners were elected by the householders for managing the affairs of the town, and it was rather singular that among the first acts of the elective body—that body which the noble Duke seemed to consider so hostile to the Church Establishment—was the election not only of a Tory, or a Conservative, as some preferred the term, but a Protestant clergyman as one of the commissioners. In a few months after the death of a Roman Catholic commissioner, his place was filled by Mr. Mansell, a respectable Protestant clergyman, which proved that so far from the Church exciting hostility in the minds of the people of Galway, Roman Catholics of that town elected a member and a clergyman of that Church to administer and assist in managing their local affairs. What reason, then, was there for supposing that the people would abuse the trust, and apply the power which they would acquire by the Bill in battering down the Church? He said, then, that their Lordships ought to pause before they refused a great act of justice to a people who had so conducted themselves. It was said they ought to take a large and general view of the question, and wait till they saw what the measures were which had been introduced into the other House. If they took a large view, and wished to go on successfully and peaceably in their career of legislation, he begged of them to consider how the Roman Catholics had been excluded by the old system; he begged them to consider the condition of the Roman Catholics; he begged them to consider their pride and their strength; be begged them to consider their present position and their ancient rights; but above all, he begged their Lordships to consider their former measures, in order to see what advantages they had gained by delay. He would ask what they had done in 1790 and 1791, and with what grace they yielded and gave up to the Catholics what they had long denied them. He asked them to look back at the exclusive system which had prevailed almost since the Reformation, the system which excluded Catholics from the army and navy—and consider with what grace they came to that House and admitted their Roman Catholic fellow citizens to enter the two services, after they had declared by their votes in that House and elsewhere their firm decision and their determination to keep them out. And they were kept out till justice and good policy overcame all obstacles. He therefore asked what advantage there was in delay and why their Lordships connected two measures which were entirely distinct? He was certain that if the Legislature passed the measure without any conditions it would be more satisfactory to the people; and if they performed that act of justice—he would not call it generosity—in the proper time, and grant those privileges to which the Irish people were entitled, they would be saved from much of the difficulty in which the delay now involved the country. If there were any defects, they could be corrected in Committee. He therefore trusted his noble Friend would persevere in pressing his motion for going into Committee, not with a view of carrying the measure in its present exact form, but with a view to do away with the exclusion of Roman Catholics, and adopt the principles of justice and safety which no honest man could impede, and which could alone lead to a permanent settlement of the question.

The Earl of *Ripon* had voted with the noble Duke on this question last year; because, taking into account the existing state of Ireland, and believing that the Bill introduced by his Majesty's Ministers would prove deceptive in its practical application, he had conceived that the most prudent course for them to adopt would be, to extinguish the Irish Corporations altogether. He did not think, however, that there was anything in the nature of Irishmen themselves that made it unreasonable or impossible to confer upon them the power of regulating their own concerns in a manner safe and consistent with the general interests of the country; for, in point of fact, they did at present exercise those functions. They might in every instance, if they thought it advisable to do so, without the intervention of any Corporation, avail themselves of the general Act of the 9th of George 4th, for the purpose of performing those various functions which this Bill proposed to have performed by Corporations. It was also true, that many of those corporate duties were at present performed by persons freely elected under local Acts of Parliament, and which were, in fact, founded upon the principle of representation. He would therefore say, that what was wanted with regard to the power of managing their own affairs, appeared to be nothing more nor less than that those different bodies did not bear the name of Corporations. He fully concurred in some of the remarks that had been made in the course of the discussion respecting the exaggerated state of feeling which had been excited with respect to the probable effects of this Bill, but he did not think that the individuals who had been accused of indulging in those exaggerated feelings were justly chargeable with them. The great mistake had, he thought, originated in the statement that this measure was founded on the eternal principles of justice, and that it was demanded by one portion of the population for the purpose of weighing down the other. When a party, therefore, was told that this Bill would confer upon their avowed enemies the power of completing their degradation, was it wonderful that that party should feel the greatest degree of jealousy and suspicion as to the objects with which the Bill had been framed, and the effects it was likely to produce? He did not mean to deny, that the dangers to be apprehended from it might have been overrated; but if he had not thought they had, he could assure their Lordships he would not be prepared to go the length he now was, or indeed to say he would consent to the total extinction of the existing Corporations. It was not wonderful, that the party to which he alluded should have felt very strongly on the subject; for they had been told, not certainly by the Government, but by others, that the object of this Bill was to bring them down to a miserable and degraded level, in which their influence and station in the country would be entirely lost. If they felt that this measure was likely to produce such consequences, it was no reproach to them that they should have expressed their unwillingness to agree to its adoption. It was the condition in which they were placed that constituted a connexion between this measure and that of tithes, the propriety of which the noble Marquess had refused to admit; and it was on account of the difficulties connected with the state of parties in Ireland, that it behoved them to legislate with the utmost caution and prudence, and not deal with any one question of this description, without taking into consideration the bearings it would necessarily have, first singly, and then in conjunction with other measures, upon the condition of the country, and above all, whether the Established Church was likely to be affected by one or all of them. He did not think the noble Viscount should oppose the course that had been suggested. No one who knew the noble Duke could, for a moment, suppose that he had proposed that course with any sinister object, or with the view of defeating the measure now before the House. Indeed, noble Lords opposite had expressed their gratification at the anticipated settlement of this question held out by the noble Duke; and if the proposed delay should, as it was hoped it would, facilitate that final arrangement, what a consummation would be effected by so slight a sacrifice. His noble Friend who had spoken last, had referred to two or three cases which he conceived proved that the objections which had been made to some portions of the Bill, were extravagant and unfounded. In alluding to the local government of the new town or parish of St. Michans, in Limerick, he said, that it would be impossible for any system to be more analogous to another than it was to that which this Bill proposed to establish. [The Marquess of *Lansdown:* It had worked well.] The noble Marquess, then, stated, that the mode of managing their local affairs in that town, had worked well. That might be; he did not dispute it; but the noble Lord should recollect, that the working well of this measure depended entirely upon the nature of the qualification and the construction of the Corporation. It did not at all follow, that this measure would work well, because a system essentially different, though similar so far as continuing the elective principle, had done so. In this parish there were, as stated, twenty-one commissioners; but then they were not like the mayor and town-council, which were to be created by this Bill; fourteen of those commissioners were elected for life, seven were removable at the end of every three years, and elected triennially by all the inhabitants of the parish paying taxes, in amount—what? Not by persons keeping houses to the value of 5*l.* or 10*l.*, but by those who paid taxes to the amount of 4*l.* Irish currency. The noble Lord was therefore wrong in his conclusion, that a Corporation put together under the provisions of this Bill, would give the same satisfaction or work as well as a body of commissioners thus elected. Under these circumstances, he should support the amendment of his noble Friend.

Lord *Brougham* said, that he should, with the greatest possible reluctance, give his vote against the proposition of the noble Duke, if he had taken the same view of the consequences and obvious tendency of that proposition, as his noble Friend (the Marquess of Lansdown); but it was because he differed entirely from his noble Friend in his view of the consequences and necessary tendency of that proposition, that he was prepared to vote against the proposed delay. He now understood, what he had not so well comprehended a few nights ago, the reason why the noble Duke had declined to answer the question which he had taken the liberty, not unwarrantably he hoped, of putting to the noble Duke, when he had asked the noble Duke to be kind enough to give in his amendments to the Bill, that they might be printed for matter of consideration before they should go into Committee. The noble Duke had refused, in a manner which had certainly led him at the time, though a good deal in the dark as to the precise reason for that refusal, to suspect that the noble Duke had not just then finally made up his mind as to the course he meant to pursue; but that, at all events, he had not made up his mind as to the amendments he intended to propose, he had felt confident from the tone of the noble Duke's reply, but he had not altogether anticipated the result which had taken place in the proposal for delay. He could not but think, that it would have been better had the noble Duke made that proposal, either when the Bill had come up from the Commons, on which occasion the noble Duke, in a few sentences, had taken distinctly the same view of the connexion between that Bill and other measures now in the House of Commons, or when the second reading of the Bill was moved. He thought, that instead of agreeing to the second reading and committal of the Bill to this day, it would have been a more obvious and better course for the noble Duke to have adopted, had he then proposed that it be deferred until the 9th of June. But the question, after all, was, what was the meaning of this proposition? He wished to bring their Lordships to that point, the more so because it was his misfortune to differ from the expressed opinion of his noble Friend near him. However disposed he might have been to participate in that great feeling of satisfaction which so predominated in the speech of his noble Friend, the President of the Council, at what had fallen from the noble Earl and the noble Baron, he certainly was unable to screw his personal courage sufficiently firm to be satisfied, as was his noble Friend, with what had fallen from the noble Duke; unless, indeed, he was to understand, that in this case the author had adopted the interpretation of the commentator, and was prepared to say, "I did not mean what I said, but what my commentator has said for me." Unless this was clearly understood, the observations of the commentator must be taken as his own, and not those of his author; and then he would ask, had the noble Duke throughout the whole of his speech, from the beginning to the close of it, held out anything in the shape or nature of an intimation of his intention, he would not say of supporting, but of not opposing this Bill, or any ground upon which to rest a supposition that the noble Duke, and the noble Lord who acted with him, were not as hostile as they ever were, to the fundamental principle of this Bill. The noble Duke said, that the principle of local government, by means of local corporations, was the sum and substance of this measure; and that all the rest was only matter of detail. The qualification principle was certainly a matter of rather larger detail than the others; but still, in the noble Duke's estimation, it had nothing to do with the principle of the Bill. Now, if all this were true, it appeared to him, that if noble Lords had taken up higher ground, and had insisted upon perpetuating the present Corporations, they would have equally adopted what the noble Duke called the principle of this measure. The fact was, there was local government in Ireland already, perhaps not of a very satisfactory kind, local government connected with a variety of qualifications; and, therefore, it appeared to him, that unless they had the Bill before them, and considered the whole subject, they could actually do nothing in the matter. The noble Duke said the other night, that he was opposed to the principle of the Bill; but that he would allow it to go to a second reading, in the hope of being able to get rid, in Committee, of what appeared to him and to his noble Friends, objectionable parts of it. All the noble Lords who had spoken on the subject, with the exception of the noble Earl opposite, who had always been the friend of this measure, followed in the same course, and stated a variety of objections, which proved that they still viewed the whole measure with unmitigated hostility. But what was the ground for delay? This was the question upon which he yet stood in need of explanation. He must say, that it struck him there was something extremely vague and general in this proposition, under which he could not help thinking that something lurked, he would not say of sinister motive—he would not say that, because the noble Duke himself had fully avowed what his intentions were, and he must have been blind and utterly stultified, if he could not have comprehended at one glance what he meant to convey—for no man ever spoke out more plainly on all occasions than the noble Duke—no man expressed himself in less vague and general expressions upon all matters in which he was engaged—no man was less capable of taking up a course which he feared to avow, than the noble Duke. The noble Duke might be wrong in many things—he often lamented the errors of his course; but of one thing he had never accused him, and that was, of not on all occasions openly and manfully stating what his intentions were on any subjects before him. The noble Duke had acted with his usual candour in the present instance: he had declared, that he was still opposed to this measure. But, at the same time, whilst he admitted that this candid avowal had been made on the part of the noble Duke, he could not understand why, after that avowal, the noble Duke should wish to go on after all with this Bill; why he did not proceed to throw it out altogether, and bring in a better one of his own, if he was prepared to legislate on the subject. Why had not the noble Duke moved the postponement of the Committee for six months, instead of five weeks? The noble Duke objected to the Bill, because it was bad; and then he said, "Let us wait for five weeks, in order to see certain other measures which are as yet in another place, before we proceed to see what can be done with this one." One of these measures referred to, which were as yet in the other House of Parliament, was on the subject connected with the Church of Ireland. Now, he wished to inquire how the state in which that measure might eventually pass through the other House, could properly influence their proceedings in respect to the measure now before them. It appeared to him, that one of these three positions, and one only, must be true. Either the Bill now in the other House would be such as to increase the power and stability of the Irish Church, or it would diminish its power and stability, or, lastly, it would not affect it either one way or the other, but leave the Church just in the same position where it was at present. Now, that the Bill he referred to would tend to increase the stability of the Irish Church, the noble Duke had not the shadow of a hope. [An expression of dissent was here understood to fall from the Duke of Wellington.] Well, he was very glad to hear that the noble Duke, after all, had some latent hope on the subject. Now, if the Bill should turn out to realise his expectations on the subject, and at the same time not to disappoint the very slight expectations of the noble Duke—if it should turn out to tend to improve the condition of the Irish Church—then, as he thought, that would be a consideration upon which their Lordships should be induced to pass the Bill now before them; and if it were to pass at all, what reason he would ask, was there that under such a supposed state of circumstances it should not be passed now? In the second view which he would take of the case, namely, if the House foresaw that the Bill in the other place would eventually leave the Church precisely in its present condition, then he thought that all their Lordships would admit that this would be no reason for refusing to pass the present Bill, and, if not a reason for refusing to pass it, still less one for merely delaying it. He was now driven to his last hypothesis; and he would suppose that, unfortunately, the Irish Tithe Bill, when it came up from the other House, would be such a Bill as to make the noble Duke apprehend that it would lessen the security and power of the Irish Church. Now, he would beseech their Lordships to consider calmly of this position: he put it to the discretion and discernment of the noble Duke to consider whether, if they knew that the rejection of this Bill in their Lordships' House would have such an effect as to insure the sending up to them from the House of Commons a Bill which, in their Lordships' opinion, would tend to diminish instead of increasing the stability of the Irish Church—he put it to the noble Duke and noble Lords opposite, whether, if they believed this, it could be considered by them as a reason for refusing to pass the Bill now before their Lordships. If noble Lords formed this opinion of the Bill on the subject of the Irish tithes, it would be a most logical argument for refusing to pass that Bill when it came before them, or for altering it so as to remove the objections which they entertained against it. But was there any reason why, because they should eventually reject the Irish Tithe Bill, they should now refuse to give the Irish the right to manage their own Corporations? But the fact was, they could not put off the consideration of this Bill to await the reception of the other Bill from the House of Commons under the implied understanding which appeared to be given by the noble Duke and noble Lords opposite, that if that Bill when it came up should be such as to please them, they would then pass the present Bill as it now was. [*"No, no!" from the Opposition.*] He was sure that he should hear that! He made the remark on purpose. He was convinced that he should hear from a very considerable number of noble Lords opposite an indignant repudiation of the bare notion of the possibility of their passing any thing in the shape of this Bill, or of the measures adopted by the other House having the slightest influence upon them towards altering their hostility to every principle, every feature, and every tittle of this measure. If, then, the nature of the Bill to come up to them from the House of Commons would have no effect whatever upon their intentions towards this Bill, if upon no terms they would be induced to mitigate their feelings of hostility to this measure, then he came back to his former position, that let the Bill on the subject of Irish tithes be framed as it might—let the discussions upon the subject in the other House produce what effect they might—altering, amending, or modifying its supposed provisions—in whatever form, in fact, it eventually were to come before their Lordships—such a consideration would not have the effect of winning any substantial support in favour of this measure. He would not say it might not affect one or two wavering crotchetty votes; but certainly that it would not tend to mitigate the general hostility which unfortunately prevailed in their Lordships' minds against this measure. This being the case, the two Bills, as it appeared to him, were altogether as distinct and unconnected as any private bill, any railroad or other bill of such a nature, could be with the Bill now before the House. Did not this demonstrate—he spoke it with no disrespect—the absurdity of the proposition of the noble Duke to postpone the further consideration of this Bill until they saw what was done with other measures now before the House of Commons? The noble Duke's objections were well known, and avowed to be directed not at the period when this measure was propounded—not at the details of which it consisted—not at the mode and manner in which its great, and, as he considered, its invaluable principle was proposed to be worked out—he objected to the very principle itself upon which the measure rested. He objected to the whole measure. Like a great conqueror, his predecessor in history, who was said to have been a steady opponent of reform, and, moreover (in which he could not justly liken him to the noble Duke), that he had never suffered any thing in favour of liberty—of this conqueror it was said, as he now said of the noble Duke, that he was "the enemy, the irreconcilable enemy, of the whole measure—of the whole of its details—of every thing comprised within its four corners, and of the very grounds upon which it was constituted." He would say, therefore, why talk of putting off the measure for five weeks, in order to see other measures upon which its fate did actually not at all depend? Why put off the going into Committee on this Bill, in order that they might see how they could nibble a bit away at one corner, and take out one clause, and thrust in another, and make this and that amendment, in order to render it palatable to the noble Duke and his noble Friends on the opposite side? Such a proposition, so totally uncalled for—so totally unjustifiable—so totally useless, served but too clearly to show the lengths to which men might be pushed by the exigencies of political necessity, when, having taken up one ground of opposition to a measure, they found it no longer safe to occupy that position, and that the troops who were to have acted with them in it were no longer united in views and opinions. He came now to consider the next measure upon the strength of which it was proposed to delay the further proceedings in this Bill, namely, the Poor-law Bill for Ireland. The only way in which this measure could bear upon the question before the House, as the noble Duke himself had most clearly shown, for most clearly had the noble Duke put forward his arguments, and therefore the more unfortunately, for by reason of its clearness it stood in its simple nakedness, with nothing to protect it from destructive scrutiny—most clearly had the noble Duke shown that the only reason for delaying this Bill until they had the Irish Poor-law Bill before them was, that this measure comprised a matter involving the consideration of a rating, and therefore that the provisions on the subject in the Poor-law Bill would give them an opportunity of finding a proper system of qualification. Now, he could not exactly devise a qualification founded upon a rating, because none existed, but he believed that he could find a mode of valuing a 5*l.* house, and in Committee they might turn their attention to devising a proper test of that nature, just as well before as after the passing of the Poor-law Bill, with its rate-paying clause. But why was it that he did not think that rating clause requisite as to the foundation of such a matter of legislation? It was because he recollected the Act of 9 Geo. 4th, passed in the year 1828 or 1829 by the noble Duke opposite, which was applicable to all Ireland, and by which any one town, corporate or incorporate, might manage its own local affairs of lighting and so forth, and yet there was no qualification, no rating upon which to found a qualification. [The *Duke of Wellington:* An assessment existed in Ireland in 1828, which has since been repealed.] Oh, the assessment had been since repealed; but had the 9th Geo. 4th been since repealed also? He believed that in many towns in Ireland that Act was still enforced, and that by virtue of it the inhabitants proceeded every three years to elect their commissioners of lighting and paving, offices to which considerable patronage was necessarily attached, although there was no test of qualification established amongst them by which they could ascertain a 5*l.* value. There was another Bill also of some little importance in the affairs not only of Ireland but of the State in general, which brought a considerable extent of power into the hands of certain individuals, and from the dread of which power, in fact, arose much of the hostility manifested to the measure now before the House—a measure affecting infinitely more potently the political state of Ireland than the most sanguine anticipations of the friends or the most direful anticipations of the enemies of the present Bill would bring themselves to imagine it could bring about: he meant nothing more nor less, in fact, than the Irish Parliamentary Reform Bill, which went upon the principle of a *5l.* qualification, although there was no rating upon which to estimate such a qualification. [A noble *Lord:* The Irish Parliamentary Reform Bill contained a 10*l.* qualification.] Well, the argument was the same. If they could trust one set of voters without a test, why might they not do so with others? At all events, as he said before, if a qualification were required, this was a point to which they could direct their attention in Committee. It was certainly a most notable absurdity to say, that they could not proceed with this measure because they had not before them a certain clause in a certain other measure now in the House of Commons. No man could pretend to say that the rejection or passing of this Bill depended upon the rating clause in the Irish Poor-law Bill; but, at the same time, if it was imagined that the rate clause in that Bill would afford a convenient test to modify some of the clauses in this Bill, a clause might be inserted in this Bill providing, that if a Bill were to be passed on the subject of the relief of the poor in Ireland with a rating clause, then that clause should be adopted as a test of qualification for the purposes of this Bill. He should not be dealing fairly with the House if he did not state that he should not advocate the introduction of such a clause into this Bill. The rate-paying clause was that part in the Reform Act which worked the worst, which operated to the disfranchisement of the constituency, and gave rise to the greatest discontent, and, as he thought, discontent justly founded; and he hoped to live to see the time when, if it were not altogether repealed, it would be most essentially mitigated. He could regard it as nothing but an evil, and he was rejoiced to see, from something which had taken place in the other House of Parliament, that, although the preponderance of feeling was not perhaps against the rate-paying clause altogether, there was certainly an immense majority in favour of a considerable alteration in it. For the question now before the House, however, he thought they had only one of two courses to pursue—either to proceed at once with the Bill, or to throw it out at once; as, from what he had heard on former occasions and to-night, he had no doubt noble Lords opposite, with very few exceptions, were resolved to do in the end. By whatever means or routes they might each think proper to proceed, he believed that they all looked to aiming at the same desired point of rejection. They might in the mean time fritter away one part of the Bill, insert a rate-paying clause, dock out this schedule, insert another, and, in fact, concoct so entirely new a Bill that the man who drew the original would not recognise his work, but the result would be the same in the end, and whether the Bills on the Irish Church and the Irish Poor-laws passed or not, the Bill was doomed to rejection. He would therefore earnestly suggest the decorum of not losing any more time in the difficult and inconsistent course which they had taken up, but at once throw out the Bill by the usual postponement for six months, or at once proceed in Committee to strangle it and smother it with their amendments. One thing or the other he would implore them to do, in order that themselves and the country might be able to understand what they were about—in order that when they were asked by others what they had been about, they might be able to give a plain and straightforward answer. Were they so overburthened with legislation, having arrived at the fourth month of the Session, when they had done precisely nothing —were they so fatigued and worn out with their labour that they could not screw their courage up for one night's legislation in Committee? Why should they be afraid of one night's business. He would guarantee them against more than one night. This was the course which their Lordships hould pursue whilst by the course which they had taken up, and which by too many reasons which he saw before him he was aware they were about to persist in, they would not be doing that which he thought was due to the country, to their own dignity and character, to what they owed to the opinion of the public, nor consistently with the respect and good feeling which should exist between the two Houses of the Legislature. Would they, upon grounds such as had been to-night stated, persist in pursuing the course which they had done last year, and which had then led, if not to conflict, to conference with the other House—conference ending in every man retaining just his own opinions on the subject, only very much strengthened by all the arguments which he had heard from the other side. Would their Lordships be prepared to take this occasion to adopt so new a mode of proceeding, putting off proceeding with this

Bill with the intention of holding their decision upon it in terror over certain measures now in progress in another place; for if the motion of the noble Duke meant this he could understand it; if not, he was utterly at a loss to imagine the ground upon which it was made? He would beg to remind their Lordships that the other House held out no threats of this kind against them; it had adopted no course calculated to be derogatory to themselves or disgraceful to their Lordships; but, if their Lordships were to set a precedent that one House should hold out in its course of proceeding an evidently implied threat over the other, under an apparently indifferent motion for a five weeks' delay—if they took upon themselves to set such an example to the other House of Parliament, he would entreat their Lordships to bear in mind that they themselves were to blame in commencing a system, and that if the House of Commons were to follow up that system, it was barely possible that they might find this imitation of their conduct somewhat less convenient than to have calmly and wisely abstained from setting so very doubtful an example.

The Earl of *Haddington* begged to be allowed to say a few words to set himself and the noble Lords with whom he acted right in the sight of the House as to the reasons for the course which they were about to pursue. The noble and learned Baron had concluded his speech with a menace, warning their Lordships in a most marked manner how they set up a precedent which they might afterwards find it convenient to have avoided. The noble and learned Lord also stated, that the House of Commons had never dealt in menace. Did the noble and learned Lord not recollect an occasion when there was a threat of stopping the Supplies held out, and with whom did this threat originate, but from one of the first Ministers of the Crown? The noble and learned Lord spoke as if he imagined that their Lordships had entered upon this debate in a spirit of the greatest hostility against the other House. So far from this being the fact, the motion was in itself a very element to induce them to act in a conciliatory manner. It would be recollected that amongst the reasons given by their Lordships for dissenting from certain provisions in this Bill at the conference last year, this House expressed an earnest hope that the period was not far distant when the two Houses, acting on a good understanding, might be able to give a system of local Government to Ireland. That sentiment he, amongst others, still entertained. The noble and learned Lord had advanced a position which he certainly was astonished to hear from a man of his known acuteness and observation, namely, that this measure had no more connexion with the Irish Tithe Bill than with any railway, or canal, or other private bill that had ever come before their Lordships' House. Did this question bear upon the Irish Church question? All he could say was, that all the friends of the Irish Church conceived it did. He asked again, did this question bear upon the Irish Church question? All he could say was, that all the enemies of the Irish Church declared it did. Was it not said by many persons connected with Ireland, and who now associated themselves with the party called "Voluntaries," in this country, that the only mode of giving happiness and doing justice to the people of Ireland was to abolish tithes *in toto*, and to enact that no person should pay one farthing towards the support of the Established Church, who was not a member of that Church? "That," said those persons, "is a substitute with which we will be content; if we can gain it we will cease to agitate repeal; till we gain it we will never cease to agitate repeal." Instalment after instalment towards the accomplishment of that end they were prepared to take, provided each of these instalments was based upon the obnoxious principle which struck at the root of the establishment in Ireland. Had they not said, too, in connexion with their ulterior views and objects in reference to the Established Church, "Give us this measure of Municipal Reform, and then we shall see whether we cannot at once achieve our ends and objects?" It was obvious that the opinions of these persons were different from that of the noble Marquess, the Lord President of the Council, who said, "I cannot conceive how these Corporations, according to the principle contained in this Bill, can ever be the means of putting a weapon in the hands of the agitators and disturbers of the peace in Ireland." The language used by these agitators and disturbers themselves, showed that they at least took a very different view of the matter; and who could fail to see that their view was correct, when the qualification proposed in the Bill was considered, and the vast influence it would give to persons of the Roman Catholic persuasion remembered? He maintained, then, that this Bill had a most direct bearing upon the security of the Established Church, and that it would operate most dangerously as long as the Church question remained unsettled. With that feeling strongly impressed upon their minds they on that side of the House said, "We will not pass this Bill; we will not depart from the high ground we took in the last Session as long as the Irish Church question remains unsettled." But they did hope that the question might be settled—they hoped that the Bill now before the House of Commons might leave that House in such a shape as to enable their Lordships, without further loss of time, to settle the question of the Church in Ireland. Let the Tithe Bill be brought before them in that House. They should be ready so to consider it in connexion with the Bill now before them as to render the application of both safe. It was impossible for them to deal with the question of Municipal Reform until they knew what were to be the provisions of the Bill that related to the Church. When the Church question came before them, they should be prepared so to consider it, and if necessary so to amend it, as to render it safe to apply the principle contained in the present Bill to the local Government of the cities and towns in Ireland; but if unfortunately they should find it impracticable to come to an agreement on the Church Bill, unquestionably they would not depart from the ground they had already taken on the measure of Municipal Reform. This was what he was chiefly anxious to state, because the noble and learned Lord had endeavoured by his specious statements and subtle arguments so to dazzle their Lordships' eyes and understandings as to prevent their comprehending what they were about. He had already stated, that the course taken on the present occasion was really and truly with the view, and for the purpose, of bringing the question to a conciliatory conclusion: and he could not help feeling that if the course pursued should, notwithstanding all the objections and all the ridicule heaped upon it by the noble and learned Lord and others, have the effect of settling this question, the unsettled state of which was the cause of so many misfortunes and so much unhappiness, their Lordships would deserve the gratitude of the empire, and more especially of that part of it to which they would indeed, by the settlement of this question, have done justice.

The Earl of *Roden* considered this bill as a measure which struck at the roots of Protestantism in Ireland, by destroying the Protestant Corporations of that country, and establishing Roman Catholic Corporations in their stead. The noble Marquess opposite had denied, that this Corporation Bill would produce any influence upon the Protestant Church of Ireland, and had challenged their Lordships to show how any influence of that kind could exist under it. Was it nothing, he would ask, to erect in different parts of Ireland, normal schools of agitation for any purposes proclaimed by those who were acting under the charter of the King, and who had vowed the destruction of that Church which they had declared a nuisance? He contended that the noble Duke was justified in saying, that he would not give the powers of this bill to the Municipal Corporations of Ireland until he saw that they could be given with perfect security to the interests of the Protestant Church. The noble Marquess had referred to certain papers, for the purpose of showing how favourable the election of officers under the 9th of George 4th had been to the Protestant party in various towns and boroughs in Ireland. He did not know on what authority the noble Marquess made that assertion, but he had no doubt that the noble Marquess deemed it correct. He (the Earl of Roden) could, however, state, that a very different result had taken place in some towns with which he was acquainted, and in which the election of commissioners had been made according to the provisions of the 9th of George 4th. He would call the attention of their Lordships to what had occurred at the town of Clonmel, in Tipperary. In the year 1828, previously to the passing of the Roman Catholic Relief Bill, out of twenty commissioners for lighting and watching that town, fifteen were Protestants and five were Roman Catholics. In the year 1836, there was not a single Protestant in the whole number of commissioners. It happened, however, by some accident or other, that the mayor was a Protestant. It was suggested to him by a Protestant inhabitant of the town, that as there were a great many rate-payers who were Protestants, some of the commissioners should be Protestants also. The mayor laid this communication before the electors, when he was informed that the Protestants had held power for a long time exclusively, and that the Catholics had now got it into their hands and were determined to do the same. He believed that, if inquiry were made, it would be discovered that this was the practical operation of the 9th of George 4th in nearly all the towns in Ireland. If such were the case under the 9th of George 4th, he would ask noble Lords to consider what would be the result under the more extensive powers given to those towns under this Bill. The noble Viscount had, he complained, cast a variety of imputations on the Protestant Corporations of Ireland —imputations which, in his conscience, he believed were perfectly undeserved. He would say frankly, that it was his opinion that the noble Viscount could not make out any ground for those imputations. The noble and learned Lord, who had followed some time afterwards on the same side with the noble Viscount, had adopted those imputations, and had stated, in unmeasured language, that the Irish Corporations were nests of abuse and sinks of corruption. He should like to know from what sources of information the noble and learned Lord had formed his opinion upon that subject. He admitted, that some of those Corporations had committed errors; but he affirmed that none of them had done anything to deserve the strong epithets which the noble and learned Lord had applied to them. The noble Viscount had also, in a side way, thrown out a threat against their Lordships in case they did not agree in the view taken of it by the other House of Parliament. If he understood the noble Viscount rightly, he had talked of a stoppage of Supplies by the House of Commons. [Viscount *Melbourne* "No, no."] He begged pardon, but he understood the noble Viscount to have used these words, "There were means by which the other House of Parliament could affect that House, and indeed the country at large." [Viscount *Melbourne* had said no such thing.] If the noble Viscount disclaims any such words, I am satisfied. Whatever the House of Commons may do, you, my Lords, have but one course to pursue. However inconvenient a difference between this House and the House of Commons may be — however anxious you may be that such a difference should cease, still it is impossible for you, when a question of duty arises, to retrace, on the shallow ground of expediency any steps which you may have deliberately and conscientiously taken. Recollect how your proceedings in the last Session of Parliament have exalted your character in the estimation of the country. That point is rendered clear to all the world by the change of opinion which has already been produced all over the country, and especially in Scotland, where the alarm which has been spread lest Protestantism should be put down in Ireland, has already caused men to think of what they are doing, and will, at the next election, alter in a great degree the representation of that country. I concur with the noble Duke in putting off the Committee on this bill to the 9th of June. Whether I shall then consent to it will depend upon the measure to be proposed on the Irish Church, for I will not, I declare it frankly, vote for any measure which endangers, in the slightest degree, the Protestant Church in Ireland; for on that depend the liberty, the comfort, the happiness, and the improvement of all classes of people in Ireland.

Lord *Brougham*, in reply to the challenge thrown out to him by the noble Earl who had just sat down, begged to state, that he founded his condemnation of the existing Corporations of Ireland upon the authority of the commissioners appointed to inquire into them, and also upon the opinion of a high legal and political authority connected with that House, but not with that side of it from which he (Lord Brougham) spoke. The Report of the Commissioners said, that the Corporations had used their privileges—their corporate functions—without scruple, not as trustees for the benefit of the community, but for the purpose of obtaining an exclusive dominion over the inhabitants, and a political influence for themselves in the elections for Members to serve in Parliament. That was the Report of the Commissioners. Then the high legal authority to whom he had alluded, spoke of them as excluding men on account of their politics, administering justice by a party, and mal-administering the funds intrusted to their care. When he found the Corporations of Ireland spoken of in such terms by such authorities, he left it to their Lordships to determine whether he was not fully justified in the epithets he had applied to them.

The Earl of *Falmouth* had only a single observation to offer, and that was in consequence of what had just fallen from the noble and learned Lord. He had before stated, that he never would hear the Reports of the Corporation Commissioners, either in Ireland or England, quoted as if those Reports convicted the parties against whom they were levelled of misdemeanour, much less of those abuses and that maladministration which were laid to their charge. He never would admit, that the Reports of Commissioners, the legality of whose appointment was exceedingly questionable, formed a constitutional mode of trial and conviction of any parties whatever in that country. It was not his intention at that late hour to address their Lordships at any length upon the subject, but he had before pledged himself never to hear the Reports of these Commissioners, quoted in the manner they had been by the noble and learned Lord, without getting up and denying any party could be considered as tried and convicted by them.

The Duke of *Richmond* would ask the noble Earl who had just sat down, when he said that these Corporations had not been legally tried and convicted, whether the decision of that House in the last Session of Parliament, whether the recommendation of a large majority of that House that these Corporations should cease to exist, would ever have been carried unless there existed a strong opinion that they had not acted so correctly as they ought to have done. He had reason, however, to say, that he was one of those who sincerely believed that his noble Friend, the noble Duke (Wellington) was only actuated by a sincere desire to conciliate, when he proposed to delay the committal of this bill to the 9th of June. He well knew the noble Duke's character, and he felt quite satisfied that the noble Duke believed that, by adopting this course, the House would be best enabled to bring the question to a satisfactory termination. And although he was one of those who protested against the junction of the Roman Catholic Relief Bill, and the Forty-shilling Freehold Bill—though, in their Lordships' journals he had then recorded the reasons which induced him to object to that sort of bartering legislation, yet, if he felt that the putting off this question would enable their Lordships to come to a satisfactory settlement of this and other questions relating to Ireland, he should feel bound to give his vote for the amendment proposed by the noble Duke. But he submitted, that the House of Commons, after the debate of that evening, would not be in a situation to judge very correctly what it was that their Lordships intended to do. What he would suggest, therefore, was this: that they should go into the Committee without delay, alter the bill in such a manner as they deemed most proper, and thus enable the Commons at once to see and understand the extent to which they were prepared to go. If he wanted to enter into a compromise with any man, he invariably said, without hesitation or concealment, "So far will I go, and no further: will you accept my proposition?" He thought it would be well for their Lordships to pursue the same course. There was one part of the subject which appeared to him to be particularly worthy of their Lordships' attention. He had humbly submitted, in the last Session of Parliament, that Municipal Corporations ought not to be given to every small town in Ireland. To the large commercial and manufacturing towns, and to towns containing a great population, he was prepared and disposed to give Corporations; but he objected to Corporations in small towns, even in England. If he had the power, he would only give Corporations to those towns which, from their size and importance, required them; but he would do equal justice to Ireland. The towns in Ireland to which he had last year recommended their Lordships to give Corporations, were placed in a particular schedule of the Bill, which made the qualification to vote for members of the town-councils, the same as the qualification to vote for Members to serve in Parliament—it was the 10*l.* qualification. Now, if their Lordships were prepared to agree with him, and to give Corporations to those large towns, it would not be necessary for them to wait until the Irish Poor-law Bill was brought before them, because the 10*l.* qualification had already been fully inquired into, settled, and registered by the revising barristers in Ireland. The voters were all registered—all known; their claims had been sifted to the uttermost, and the Legislature would, therefore, know to whom they were granting the privilege of voting for the return of municipal officers. Under these circumstances, it was not necessary, in his view of the subject, to wait for the bringing up of the Irish Poor-law Bill. With respect to tithes in Ireland, their Lordships were aware, that upon that question, he entertained the strongest opinion. He never could give his sanction to an appropriation clause, but even though the chance were slight, that the House of Commons would abandon that clause, he would, nevertheless, entreat their Lordships to go into the consideration of the present Bill. He would entreat their Lordships to define to the utmost extent what they were prepared to do with the Corporations of Ireland; but he would not ultimately vote in favour of the Municipal Reform Bill, if he thought it would endanger the Established Church in that country. As at present informed, he did not know by what means it could possibly do so, and he objected to his noble Friend's argument, though he knew his motives in using it were the best. He objected to tell the people of this country that it was necessary, not only to sanction, but to maintain abuses in Ireland, for the purpose of protecting the Established Church in that country. He maintained, that neither the English nor the Irish Church had anything to do with the question of Municipal Reform. He maintained further, that the more abuses were destroyed in both countries, the greater would be the security of the Established Church in each. Under these circumstances, he would only conclude by repeating his conviction of the perfect sincerity of the noble Duke (the Duke of Wellington), but, in his own opinion, instead of going into Committee on the 9th of June next, it would be better to go into Committee on Monday next, and so at once to show the House of Commons what compromise they were disposed to offer.

Lord *Wharncliffe* differed from the noble Duke who had just sat down. He objected to the 10*l.* qualification, not only because it was one of the most uncertain ever established, but because in many places, and especially in Ireland, it had led to so much perjury. Only that day, a petition had been presented from Longford, praying for an alteration of the 10*l.* franchise, and pointing out the evils that resulted from it. The 10*l.* qualification, therefore, instead of inducing him to hasten the progress of this measure, constituted one of the very reasons why he wished first to have the Poor-law before them, in order that it might be seen whether a different and better qualification could not be adopted. The evidence taken before the Longford Election Committee showed that perjury had been carried to a very great extent as regarded the qualification. He should be anxious to guard against this in the introduction of the principle of popular election into the Corporations of Ireland. Notwithstanding what had fallen from the noble Viscount, he was not afraid to go before the country upon this question. They, on that side of the House, proposed to delay the further progress of the Bill, until they saw a better or final settlement could not be made of all the questions at present at issue between that House and the House of Commons. They asked no compromise—they desired no compromise. Let the other measures be brought before them, and they would deal with them; and if those other measures appeared calculated to lead to a settlement of the tithe question in Ireland, they would then enter into the consideration of this Bill, and discuss it upon the principle upon which it proceeded—the principle of popular election for municipal offices.

The Duke of *Wellington* observed, that that noble and learned Lord had called upon him, on a former night, to lay upon the table a copy of the amendments, which he intended to propose, as the noble and learned Lord was anxious to consider them. He had then told the noble and learned Lord, that he had no amendments to propose, and with that answer the noble and learned Lord appeared satisfied. The noble Viscount had also complained that he had not informed him of the course which he intended to pursue, in postponing the Committee on this Bill till the other two Bills were before the House. He thought that he had given the noble Viscount a very palpable hint as to the course which he intended to pursue, for he had, if he recollected right, read the paragraph in the King's Speech, in which those three Bills were mentioned together, and the answer which their Lordships had given thereto. There was one point to which he wished to call the attention of their Lordships, as both the noble President of the Council, and the noble and learned Lord had laboured much to prove the want of connexion between this Bill of Municipal Reform, and the Irish Church Bill. The difficulty under which the Irish Church laboured at present, was the state of the tithe question, owing to the measures of Parliament. This state of the tithe question, which had reduced the clergy of the Church of Ireland almost to starvation, was kept up in Ireland by the excitement occasioned by agitation all over the country. He was anxious to avoid additional agitation, and especially authoritative agitation, by the members of town-councils acting under the influence and authority of agitators elected to their situations by the lowest class of the people—a people, too, acting under the direction of the violent opponents of the Protestant Church in Ireland. He must also notice another objection he had to this Bill. It gave to the town-councils great influence and power in their immediate neighbourhoods, not for one mile, but for a circuit of seven miles. It gave them great influence also, not only in the county in which their corporate town was situate, but also in any neighbouring county or counties which were within seven miles of their town. Some of these town-councils would have jurisdiction over three or four different counties. Was that, he would ask, desirable with a view to the agitation of the question of Irish tithes? He put that question distinctly to the noble Viscount, and he begged that the noble Viscount would answer it. Under these circumstances, he asked whether those who had a sincere regard for the welfare of the Established Church in Ireland, ought not to pause over this Bill until they saw how the Irish tithes question was settled. He freely confessed, that the preservation of the Protestant Church of Ireland was the object which he had in view—it was a principle to which they had sworn their Sovereign, to which they had sworn themselves, and to which the other House of Parliament had also sworn its Members. If that principle were changed, if it were no longer the policy of the country, their Lordships ought to be informed of it before they took any further measure for the preservation of the Irish Church, and more particularly before they were threatened with a collision with the other branch of the Legislature. In conclusion, he repeated that, unless a satisfactory settlement were made of the Church question, he should not consent to the committal of this Bill.

Their Lordships divided on the Amendment:—Content 192; Not-content 115: Majority 77.

Content.

ARCHBISHOPS.
Canterbury
York
DUKES.
Beaufort
Cumberland
Newcastle
Rutland
Wellington
MARQUESSES.
Abercorn
Bute
Cholmondeley
Hertford
Salisbury
Thomond
Tweeddale
Westmeath
EARLS.
Abingdon
Airlie
Amherst
Bandon
Beauchamp
Bradford
Brownlow
Caledon
Carnarvon
Dartmouth
Devon
Digby
Doncaster (Buccleuch)
Falmouth
Glengall
Graham (Montrose)
Hardwicke
Harewood
Harrington
Harrowby
Hillsborough (Downshire)
Home
Jersey
Leven
Limerick
Mansfield
Mayo
Morton
Mountcashel
Orkney
Plymouth
Ripon
Rosse
Rosslyn
Sandwich
Selkirk
Shaftesbury
Stamford
Talbot
Tankerville
Verulam
Wicklow
Wilton
VISCOUNTS
Arburthnot
Beresford
Canning
Canterbury
Combermere
Exmouth
Gordon (Aberdeen)
Gort
Hawarden
Hood
Hutchinson (Donoughmore)
Maynard
St. Vincent
Sydney
BISHOPS.
Bangor
Carlisle
Exeter
Glocester
Lincoln
London
Winchester
LORDS.
Abinger
Ashburton
Bayning
Bexley
Bolton
Boston
Braybroke
Camden (Brecknock)
Carteret
Churchill
Clanbrassil (Roden)
Clanwilliam
Clinton
Colchester
Cowley
De Saumarez
De Tabley
Dunmore
Dynevor
Ellenborough
Fitzgerald
Fitzgibbon (Clare)
Forrester
Gage
Hay (Kinnoul)
Heytesbury
Kenyon
Kerr (Lothian)
Manners
Meldrum (Huntley)
Melros (Haddington)
Monson
Montagu
Penshurst(Strangford)
Prudhoe
Rayleigh
Reay
Redesdale
Rodney
Rolle
Saltersford(Coustoun)
Saltoun
Sandys
Sinclair
Sondes
Southampton
St. John
Stewart of Garlies (Earl of Galloway)
Tenterden
Wallace
Wharncliffe
Willoughby de Broke
Wynford

Proxies.

DUKES.
Buckingham
Dorset
Leeds
Manchester
Northumberland
MARQUESSES.
Ailesbury
Bristol
EARLS.
Aylesford
Bathurst
Beverly
Buckinghamshire
Cardigan
Clancarty
De La Warr
Eldon
Elgin
Guilford
Lindsay
Macclesfield
Malmesbury
Mount Edgecumbe
O'Neill
Orford
Pembroke
Poulett
Powis
Somers
VISCOUNTS.
Hereford
Lorton
Melville
Sidmouth
Strathallan
BISHOP.
Bath and Wells
LORDS.
Arden
Ardrossan (Eglinton)
Bagot

Carbery
Carrington
Colville
Delamere
Douglas
Downes
Dunsany
Farnborough
Faversham
Forbes
Grantley
Gray
Harris
Lyndhurst
Oriel (Visct. Ferrard)
Ormond
Rivers
St. Helen's
Stuart de Rothesay
Thurlow
Tyrone (Waterford)
Walsingham
Wigan (Earl of Balcarres)
Wodehouse

Not-Content.

DUKES.
Argyle
Cleveland
Devonshire
Grafton
Norfolk
Richmond
Sutherland

MARQUESSES.
Clanricarde
Headfort
Lansdowne
Northampton
Queensberry
Tavistock

EARLS.
Albemarle
Burlington
Camperdown
Cork
Craven
Ducie
Errol
Fingall
Fitzwilliam
Howard of Effingham
Ilchester
Leitrim
Lichfield
Minto
Morley
Oxford
Radnor
Rosebery
Scarborough
Sefton
Stradbroke
Thanet
Uxbridge
Yarborough

VISCOUNTS.
Duncannon
Melbourne
Torrington

BARONS.
Arundel
Bateman
Brougham
Byron
Cloncurry
Cottenham
Dacre
Denman
Foley
Gardner
Glenelg
Godolphin
Hatherton
Holland
Howden
King
Kinnaird
Lilford
Longdale
Lovat
Lynedoch
Mostyn
Montford
Poltimore
Say and Sele
Seaford
Segrave
Stourton
Strafford
Suffield
Templemore
Teynham
Vernon

BISHOPS.
Chichester
Durham
Ely
Hereford
Killaloe
Ripon
Salisbury

Proxies.

DUKES.
Bedford
Brandon
Leinster
Marlborough
Sussex

MARQUESSES.
Breadalbane
Westminster
Winchester

EARLS.
Besborough
Charlemont
Durham
Essex
Ferrers
Gosford
Granville
Huntingdon
Ludlow
Meath
Mulgrave
Roxburgh
Sherborne
Shrewsbury
Suffolk

VISCOUNTS.
Bolingbroke
Dorchester

BARONS.
Auckland
Dormer
Dunally
Erskine
Howard de Walden
Plunkett
Ponsonby
Western

BISHOP.
Lichfield

Paired Off.

Lord Belhaven	Earl of Eglinton
Lord Barham	Lord Forbes
Earl of Derby	Bishop of St. Asaph
Lord Dormer	Earl of Warwick
Lord Portman	Lord Sheffield
Marquess of Anglesey	Earl de Grey
Earl Carlisle	Lord Ravensworth
Duke of Somerset	Marquess Camden
Lord Dundas	Lord Alvanley
Lord Sligo	Bishop of Rochester
Lord King	Lord Marlborough
Lord Petre	Lord Lonsdale

HOUSE OF COMMONS,

Friday, May 5, 1837.

MINUTES.] Petitions presented. By Mr. GASKELL and other hon. MEMBERS, from various places, against; and by several other hon. MEMBERS, from various other places, for the Ministerial plan for the abolition of Church-rates.—By Colonel THOMPSON, from Leversedge, in the county of York, against the Poor-law Act.—By Mr. DENIS O'CONOR, from Roscommon, in support of his Majesty's Ministers.

CHURCH OF SCOTLAND.] On the first Order of the Day being moved,

Sir *William Rae* rose to bring forward the Motion of which he had given notice in the shape of certain resolutions, relating to the endowment of churches in Scotland. He did not feel, that he was called upon to apologise in any great degree for thus interfering with the business of the Government by moving his resolutions on the first Order of the Day, because this was the first occasion during a long Parliamentary life that he had done so. But the circumstances of the case on the present occasion bore him out, and fully justified the course he had adopted. It was now two months since he first gave notice of his Motion, and no opportunity had been afforded him of bringing it forward sooner, or in any other shape. In the year 1835 he brought forward a Motion on the same subject and for a Committee to inquire into the whole merits of the case, but on that occasion the noble Lord opposite met his Motion by expressing the intention of the Government to issue a commission which the noble Lord said would better accomplish the object in view than a Committee could. To that representation of the noble Lord he had acceded, upon the express understanding that the Commission was to report from time to time, so that the different grounds of complaint might the more easily be considered and a remedy applied. Notwithstanding this condition the Commission had not made any Report for two years, as it was only in the beginning of February last that their first Report was laid before the House. He did expect that as the Report even at so late a period was before the House the Government would have considered it their duty to follow out the recommendations of the Report, and bring the subject under the consideration of the House. This the noble Lord was pledged to do if a case of destitution was made out, for the noble Lord had said, when the subject was last before the House, that in such a case it would be the duty of the Government to apply a remedy. No notice, however, had been taken by the Government of the Report. He had asked the noble Lord if he intended to bring the subject forward, and the noble Lord's answer was, that the matter was under the consideration of the Government, but he could not pledge himself to propose any measure upon it at present. This answer was not at all satisfactory to him, and he was sure it would not be so to the people of Scotland. He felt under these circumstances, that it was his duty to bring the subject under the consideration of the House. If the Government had come forward in the matter as they were bound to do, the House would not have been troubled with the present discussion, and the public business would not have been interfered with. He did not think, at the same time, that it was too much to claim one night for the business of Scotland, as he was sure that hitherto the business of that part of the empire had not occupied two hours of the time since the commencement of the present Session. This was a subject on which the feelings of the people of Scotland were deeply interested, for it was a question more exciting from one end of that country to the other than any other question that affected their interests. It was not a party question, but one which was influenced by the most laudable and honourable principle and feeling. Let the House look at the meetings that had been held in Scotland on this subject, and they would see that there was as many Whigs attended those meetings as persons of the other side in politics. Of the first great meeting held on the subject, Lord Belhaven, Commissioner of the General Assembly, was chairman, and there was not one at which Gentlemen holding the opinions and adhering to the party of hon. Members opposite did not warmly support the claims of the Church of Scotland to additional endowments from the state. They advocated the cause of those who could not effectually plead for themselves—the poor. It was for the religious instruction of the poor that the people of Scotland had come forward in thousands as petitioners, and all that they asked from the House was the grant of an inconsiderable sum to enable the Church efficiently to supply that instruction. He would venture to say that no petitioners who had ever approached that House occupied a position so strong as that which was held by these Gentlemen. They founded their claims upon a right which was admitted, and which it was impossible to deny—the duty of the state to provide for the support of the established religion of the country. The petitioners said that the state was bound to provide for the people the means of spiritual instruction by an endowed Church, and the noble Lord in his address to the House on a former occasion relating to this subject, had not denied the truth of this principle. But the petitioners did not come forward merely to ask for the enforcement of that right; they offered to the Government a donation unexampled in amount, collected by their own private contributions. The last time he had had the honour of bringing forward this question in the House, he had said that a sum amounting to upwards of 66,000*l*. had been subscribed in Scotland to aid the object which he should endeavour to recommend to the attention of Government, and that sixty-four Churches were in progress of erection, the whole of which the subscribers were willing to make over to Government on condition that the state should supply them with the means of maintaining clergymen to occupy the pulpits of these fabrics. This was in

1835; and in 1836 he was happy to state twenty-six churches were added to these sixty-four, and the former subscription was augmented by more than 32,000*l.* a sum which was still being increased. The subscribers, in fact, offered to the Government upwards of 100 churches, and whatever might remain after being expended on them of a sum of 150,000*l.* They tendered this sum to the state to enable it to perform its duty, and he could not better explain the spirit which dictated the sacrifice than by using the words of the parties themselves who made it. "We," they said, "on the part of a willing people, lay 150,000*l.* on the altar of Christian charity, as their contribution during the three last years for the highest good of the families of our land, and we turn to our rulers, in the fond expectation that a willing Government will co-operate in this patriotic measure, and that by the contribution of the state in aid of private liberality their object will be attained. He regretted that there should be any hon. Members in the House who deemed the subject of so little importance—the wishes of a great part of the population, and the interests of an important division of the empire, so little worthy consideration, and he trusted that the House would bear with him a little longer. Before calling attention to the Report of the Commissioners, he wished to remark, that former Governments had not refrained from bringing forward this question from inattention to the wants of the Church of Scotland. He said this because he had been taunted on a former occasion by his right hon. Friend opposite (the Lord Advocate) with keeping back the question when he himself held office. Doubtless, he (Sir W. Rae) being an Episcopalian was a dissenter from the Church of Scotland, of which the learned Lord was a Member; but he would not allow any man to say, that during the time he had had the honour of holding the office of Lord-Advocate he was not actuated by the warmest anxiety for the welfare of that Church, and the sincerest zeal to promote its interests. It appeared to him necessary to proceed gradually to supply the deficiencies under which that Church laboured, and he had taken without loss of time such steps as appeared to him best calculated to give it greater means of doing good, and of spreading the blessings of religion. The most urgent case was that of the large parishes in the highlands in which it was impracticable for the population to attend the parish Church, to meet which he had introduced in 1824, after he became Lord-Advocate, a Bill to provide Churches in those districts; 40,000*l.* were granted for this purpose, besides the necessary endowments to support the clergymen. If the learned Lord would look to that Bill he would find that he was not inattentive to the principle which actuated those who were urging this question on Government, for the price of seats was limited to 2*s.* 6*d.* a-year, and in no case was a higher rent exacted. This Bill was followed by a vote of 40,000*l.* for building churches in the towns of Scotland. A Bill was introduced to apply the sum to that purpose, which was only lost in consequence of an alteration made in it by the House of Lords. He thought, then, he was entitled to say that he had not entirely neglected the interests of the Church of Scotland. He should now, as shortly as possible advert to the contents of the Report. The resolutions which he proposed to submit to the House, embraced, in his opinion, all the material points of the question. The first resolution related merely to a matter of fact, stating that his Majesty had been pleased to issue a Commission to inquire into the means of religious instruction existing in Scotland, with power to report from time to time, in order that Parliament might apply such remedies to any defects which might be proved as the case seemed to require. It did appear to him at the time that the issuing of the Commission was an acknowledgement of the principle that if it should appear by its Reports that a case of destitution was made out, the Government of the country was bound to provide a remedy. The noble Lord, whom he did not now see in his place, had certainly then admitted that it was the duty of Government to maintain and aid the Established Church, and that the question he had to consider was only one of disputed facts—one party alleging that the means of the Church were inadequate to the wishes of the population, and their opponents denying it. It was at that time admitted to be the duty of Government to maintain the Established Church of Scotland, and if a grant should appear needful for the support of that Church, he (Sir W. Rae) concluded that such a grant would have been made as to supply whatever deficiency might be discovered to exist. Another resolution to which he would advert was that by which the commission was bound to report from time to time; now that part of the resolution did away with some objections which he and others had entertained to the commission, who were led to believe that the inquiry would be more speedily concluded than by means of a Committee, and that it would thus sooner be decided, if an endowment were to be granted or not. Amongst others his right hon. Friend near him had strongly urged, that not much good would be derived from a Committee. He was then of a different opinion, and he was now sure that if the Committee had been appointed it could have concluded its labours last year, and the House, instead of voting various sums for temporary assistance, might have had before it a complete statement of the deficiency and have at once applied a sufficient remedy. The noble Lord opposite had said, that the inconvenience of the considerable length of the labours of the commission would be obviated by their reports from time to time being laid before Parliament, and that as soon as Parliament and the Government were enabled to settle the nature of the defects, they would devise the remedy to be applied. His next resolution only stated "That the Commissioners so appointed made a first report on the matters referred to them as applicable to those parishes in the Presbytery of Edinburgh, where the want of the means of religious instruction was alleged to exist, which Report was laid before the House of Commons on the 7th of February, 1837;" from which only one thing could be concluded—that the Commissioners had taken abundance of time in making up their report. But the next resolution involved matter of greater importance, and he felt great satisfaction that he had not now as last year, to deal with facts that rested on his bare assertion; although, knowing the nature of his countrymen, he was then sure that they would not have subscribed 66,000*l.* for any unnecessary purprose. The third was, "That it appears froom this Report that the population in the city of Edinburgh and its suburbs amounts to 162,292 of whom after deducting persons belging to religious denominations other than the Established Church, there remains 91,021; and that the total number of sittings in churches belonging to the Establishment amounts to 36,001. It further appears from the Report, that the number of persons capable of attending religious worship who habitually absent themselves from such worship cannot be less than from 40,000 to 50,000." He would not go through the calculations; no one could deny those facts, and if they were denied, he was ready to show the evidence which established them. The question then arose—was there sufficient church accommodation in Edinburgh? Of course he need not say, that seats were not wanted for the whole number of 91,021, as some of those were children. It had been found in country parishes, that the number for whom it was necessary to provide accommodation was forty-four per cent, which calculation excluded all persons under twelve years of age; but he must take exception to young persons under the age of twelve being excluded from the calculations for necessary church accommodation; he thought that accommodation should be provided for all the population above seven years of age: surely every one must acknowledge, that children between the ages of seven and twelve were fit objects for religious instruction, and if so, it would be found, that sixty-six would be a fairer calculation than forty-four per cent. Upon that calculation of sixty-six per cent. it would be found, that at least 25,000 sittings were wanting to provide for the population of Edinburgh. After calling the attention of the House to the deficiency in the number of sittings, his next resolution adverted to the nature and extent of the religious instruction which, according to the Report, the people of Scotland received. It appeared from the Report, that 2,000 was the greatest number of persons that could be properly under the care of one clergyman, while, in fact as many as 2,780 were found to be under the care of one clergyman—a number whose spiritual wants it was quite impossible any clergyman could attend to. Was it not a dismal and melancholy consideration that, in a population of 162,000, not fewer than from 40,000 to 50,000 habitually absented themselves from public worship? The fourth resolution stated, "That the said Report sets forth as the result of the whole evidence, that from whatever cause it proceeds, whether connected with their extent or nature, the opportunities of public religious worship, and the means of religious instruction and pastoral superintendance, at present existing and in operation, are not adequate to the removal of the evils complained of." In the Report of the Commissioners great pains had been taken to explain, that the people of Scotland were in general of a religious inclination; how was it, then, that in the capital so large a number absented themselves from religious instruction? It was a consolatory reflection, that those churches which had been endowed by the subscription raised in Scotland had been all filled, and by persons who were all respectably dressed. He was sure, that if the grant now sought were given, decency of dress and general morality of conduct would soon appear in the class for whose benefit it would be made. It had also been advanced, that the people stayed away because they required some relaxation. He felt persuaded that it was not so, but that the poor of Scotland took pleasure in public worship. The fact was, that money was borrowed to erect the church, and to repay that debt they were obliged to rent the pews as high as possible. The poor of Scotland would not accept a seat in the church for nothing; but if this grant were made by which they would be enabled to have a sitting at a lower rate than at present, they would take it and pay for it. In the unendowed churches the clergy were also dependent on the pew-rents, and as their hearers were bound to provide for the wants of their pastors, the pews were let at so high a rate that the poor could not afford to pay for them. The consequence of that entire dependence of the clergy was, that they sought rather for hearers among the rich than among the poor; and if the Dissenters had not come forward he believed that Scotland would now have been overrun with infidelity. But the debt with which the Churches already built were loaded was the chief point, and that was not a point to which the Commissioners had directed their inquiries. The Commissioners had said, that they did not wish to press any questions relating to the pecuniary affairs of the churches. Many Dissenting places were built on speculation to draw off the attendants of the Established Churches, and that statement was borne out by the returns, which showed that as many as 11,000 sittings in Edinburgh alone' were unoccupied, which was only caused by the desire of extending a sect by building a large church, and thus burthening the congregations with a heavy debt. But whether they considered churches, chapels of ease, or Dissenting chapels, it was all the same; it could be shown in each case to be impossible to lower the pew-rents so as to admit the poor. He would advert to the evidence of Dr. Chalmers, who said, that two things were necessary for the religious instruction of the poor and the working classes —first, to remove a barrier (if 10*s.* 6*d.* were fixed on as the charge for a sitting, that would be a barrier); and, secondly, that some impulse should be applied to the population, for the removal of the barrier was only negative, and though it would prevent their going backwards would not urge them forwards, and they must not expect any progression unless an impulse were also provided. When the Commissioners asked Dr. Chalmers, what force he would apply, he replied, that the first thing necessary was to bring Christian charity and fellowship home to the poor. Let the ministers visit the homes of the poor in the week, and the poor would return those week-day calls by attendance at the church on the Sabbath. Let missionaries be first sent to collect congregations, the excellence of which plan had been proved to demonstration in a variety of instances in Edinburgh, and still more in Glasgow, where those missionaries had made a congregation first, whom they had addressed in barns and houses, instead of first building an expensive church and then seeking to repay themselves by a high pew-rent. The practical result for which he contended was not to be attained by the voluntary principle. That had been proved by what had actually taken place, both in Edinburgh and in Glasgow. This could not be effected by the voluntary principle. It could not be relied upon. That principle had been put to the trial, both in and out of the Established Church of Scotland—it had been tried in chapels of ease, and it had failed. The combined efforts of the Dissenters had not succeeded in giving it complete success, for even in Edinburgh alone there were 50,000 who had no opportunity of receiving religious instruction. Were matters to remain in this state? Was there any Gentleman on the opposite side of the House who would venture to say, that they ought to remain so? How were these 50,000 to be reclaimed from the deplorable state in which they must be as regarded religious instruction? It was from this class, and from the purlieus of the city of Edinburgh, that the calendars were filled with criminals. Of what consideration was the paltry sum of 10,000*l.* or 12,000*l.* a-year, to be expended in the endowment of churches, compared to the advantage of reclaiming so many from their evil ways and their present degraded condition? It was to this circumstance—the want of adequate church accommodation—that he imputed the great advance which crime had made within the last thirty years. In the year 1815 the expenditure under the head of prosecution of crime was only 6,000*l*, while in 1836 it was 36,000*l*., and in the present year would be 34,000*l.* What cause could be assigned for this great increase but a gradual decline in the moral and religious habits of the people, arising from a want of sufficient church accommodation? He had stated what the remedy was which the people of Scotland proposed to apply to the state of things he had described. The inhabitants of that country were ready to come forward, and at their own expense to provide all the churches that might be necessary. They were willing to leave the patronage of those churches to the disposal of the Government, and all they asked for was, that the Government should give a small endowment, in order that cheap seats might be furnished to the poor. He had heard it rumoured, that his motion was to be resisted, on the plea that further reports were required. For what purpose, let him ask? The evidence was complete, as far as regarded Edinburgh; and whatever might be found to be the condition of other parts of Scotland, the wants of the metropolis ought, at any rate, to be supplied. He had also heard it stated, that necessity of inquiring respecting Scotch teinds would be urged as a reason for objecting to the motion. He was told that the Commissioners were not ready to report on that subject. Why were they not ready? The Commission had been in existence since 1835, and a great part of the returns respecting Scotch teinds were at the command of the Government, and with respect to the other returns any information respecting them might be obtained in the course of a week. But what object could the Government have in view by instituting an inquiry respecting the teinds held by private proprietors in Scotland? Was the Government prepared to bring forward a tithe measure for Scotland? If they entertained any such intention, it was only right that the landed proprietors of Scotland should be aware of the fact. At the time of the Reformation the Crown seized a great part of the tithes, and conveyed them over to private individuals, who had held them ever since under titles which were irresistible. In 1617 an Act passed the Scotch Parliament to put an end to all doubts respecting the right of those individuals to the teinds; and that Act declared, that their right should be unchangeable now and for ever. It was under such a title that the property was held subject to the payment of a stipend to one clergyman in the parish where the property was situated; and by an Act passed in 1707, no second clergyman could be appointed to the parish without the consent of three-fourths of the heritors. Now he should like clearly to understand whether the Government intended to take those tithes, and accumulate them into one large fund for the purpose of applying them to the endowment of new livings? He had no hesitation in saying, that such a proceeding would be contrary to law. He trusted that no such pretexts as he had mentioned would be resorted to for the purpose of getting rid of his motion. The noble Lord could not be aware of the strong feeling which prevailed in Scotland on this subject; and if the motion he proposed was postponed, the people of that country, recollecting that six long years had now elapsed since 1830, when the Church made an urgent demand for a grant of money, would regard the proceeding as a sort of juggle practised to delude them. During the Administration of the right hon. Baronet, the Member for Tamworth, an allusion was made to this subject in the King's speech, and that allusion spread like an electric spark through Scotland, and gave universal satisfaction. How had the present Government followed up that allusion? When they came into office did they show any symptoms of a willingness to act in the matter? The truth was, that he was the first to bring the subject under the consideration of the House, and to propose the appointment of a Committee. The Committee was refused, and a Commission appointed, with the distinct understanding, that the Commissioners should be directed to report from time to time. It was, however, rather a singular circumstance, that that direction was not given to the Commissioners, for all that they were told was, that they were at liberty to report from time to time. The consequence had been, that although the Commission was appointed in 1835, the first Report was not presented until the commencement of the present year. The House would recollect, that at the period of the appointment of the Commission he had complained of the manner in which it was constituted. He now, however, did not regret the way in which the Commission had been composed, for he found those whom he considered his adversaries on this question, could not avoid making out a case, showing the want of spiritual instruction in Scotland. He warned the noble Lord opposite, that if any pretext was seized on for postponing his motion, the people of Scotland would consider, and justly consider, that the Government were not dealing fairly with the question, and that they were pretending to do what they were either unwilling or afraid to do. He should regret such a result more perhaps than the noble Lord who perhaps thought that he made the motion for a party purpose would give him credit for. But he would assure the noble Lord, that the Government could take no step more serviceable to his (Sir W. Rae's) party, than that which he was now deprecating. The people of Scotland were excited with regard to the present question to a degree of which the noble Lord could have no just idea, and if the present motion should be passed by as unworthy of notice on the part of the Government, the noble Lord might depend, that the people of Scotland would look upon the conduct of the Government as an insult directed against themselves. The hon. and learned Gentleman concluded by proposing the following resolutions by way of amendment upon the Order of the Day.

"1. That an address having been presented to the King by the House of Commons, humbly praying 'That his Majesty would be graciously pleased to appoint a Commission to inquire into the opportunities of religious worship, and means of religious instruction, and pastoral superintendence, afforded to the people of Scotland, and how far these are of avail for the religious and moral improvement of the poor, and of the working classes, and with this view to obtain information respecting their stated attendance in places of public worship, and their actual connexion with any religious denomination, to inquire what funds are now or may hereafter be available for the purpose of the Established Church of Scotland, and to report from time to time, in order that such remedies may be applied to any existing evils, as Parliament may think fit,' His Majesty was pleased on the 20th day of July, 1835, to issue such Commission.

"2. That the Commissioners so appointed made a first report on the matters referred to them as applicable to those parishes in the presbytery of Edinburgh, where the want of the means of religious instruction was alleged to exist, which report was laid before the House of Commons on the seventh of February, 1837.

"3. That it appears from this Report that the population in the city of Edinburgh and its suburbs amounts to 162,292, of whom, after deducting persons belonging to religious denominations other than the Established Church, there remain 91,021; and that the total number of sittings in the churches belonging to that establishment amounts to 36,001. It further appears from the Report that the number of persons capable of attending religious worship, who habitually absent themselves from such worship, 'cannot be less than from 40,000 to 50,000.'

"4. That the said report sets forth 'as the result of the whole evidence, that from whatever cause it proceeds, whether connected with their extent or nature, the opportunities of public religious worship, and the means of religious instruction and pastoral superintendence at present existing and in operation, are not adequate to the removal of the evils complained of.'

"5. That it is the opinion of this House that the said Report should be taken into immediate consideration, with the view of remedying the evils acknowledged to exist within the districts to which it refers, by extending the means of religious instruction and pastoral superintendence furnished by the Established Church of Scotland, and rendering them available to all classes of the community."

Lord *John Russell* said, that the right hon. Gentleman had brought forward this motion to obstruct and delay the supplies to be granted to his Majesty, and this was the second time that the same course had been taken within the last few nights by hon. Gentlemen opposite. They would not wait to make their motions on the regular days devoted to that purpose, but they brought them forward to the impediment of the business of the Government. The right hon. Gentleman said, that the reason why he did this was, that he had no opportunity of bringing forward his motion on the regular notice days, because there was such a small attendance of Members on these days that he would not be able to bring his motion to a satisfactory conclusion. The right hon. Baronet, however, at the same time stated this subject had created greater excitement in Scotland than almost anything that occurred recently. If this were the case, and even it should happen that neither Irish nor English Members attended the discussion, the right hon. Gentleman would be perfectly sure of the presence of the Members for Scotland. But he recollected what was evidently the motive for bringing forward the other motion to which he had adverted—he meant the resolution relative to the affairs of Spain, which was proposed by a right hon. Gentleman opposite. The motive that produced that resolution no doubt was the feeling that was just then produced on the public mind by the reverses sustained by the British legion in Spain. If that feeling had been allowed to subside and pass away, the bringing forward the motion would not have promoted the object in view. He had no doubt that the present motion had just been brought forward because the Assembly of the Church of Scotland was about to meet; and although that assembly would not engage in such bloody battles as those fought in the fields of Navarre, still no doubt theological contests would take place which might be turned to a particular purpose, by bringing forward such a motion as that before the House. No doubt this battle would be made a great triumph to the right hon. Gentleman who brought forward this motion, having for its object the proposing a grant of money for the Church of Scotland, for it would be said if the motion was not granted, that the present government were enemies to the Church of Scotland. The right hon. Gentleman might say to this assembly, "The Government would not agree to any motion, and alleged that they wished for further information on the subject, and induced the House of Commons to go with them; therefore you must become adhered to the Tory or Conservative party, for they will grant you a sum of money for the Church of Scotland." He did not think that it was fitting or right that the Government business should be delayed and obstructed by such motions as that of the right hon. Gentleman, and brought forward under such circumstances as he had mentioned. What was the object of the right hon. Gentleman, in bringing forward the question at this particular time, for he told the House that for the last six years he had brought the matter forward; this, be it recollected, was since the period the right hon. Gentleman went first out of office? The right hon. Gentleman also said, that the evil had been rapidly growing and increasing during the thirty years previous, and therefore the deficiency complained of had been experienced for the last thirty-six years. But he begged the House to remember that the right hon. Gentleman was, previously to the last six years, connected with the Government of the country which induced that House to vote away millions upon millions, ay, and hundreds of millions upon hundreds of millions in order to support unnecessary and expensive wars, for he believed that not less than 140,000,000*l.* were expended in a single year during the last war. But, the right hon. Gentleman did not think fit to ask for even a small sum for that which must be admitted on all hands to be a paramount object; it never occurred to the right hon. Gentleman during those years of lavish expenditure, that such wants as he had described should be attended to. But what had been the course which the right hon. Gentleman pursued during the last two years? The subject was alluded to in the King's speech at the commencement of 1835, and on the change of Government a Commission was appointed, which was directed to inquire into the whole subject of the Church of Scotland. The Commissioners entered into the inquiry which was of a very laborious and unusual nature; and although they were directed to report from time to time, they did not present any report to the Crown until the beginning of the present year. The report contained the evidence connected with the town of Edinburgh; but he had heard within the last few days that the Commissioners had made inquiries respecting the town of Glasgow, and they had also made various inquiries respecting teinds, and he hoped within a short time to place another report on the table of the House, Therefore, he said, it was better to wait until they had the other reports before them before any further steps were taken on the subject. The right hon. Gentleman said that 10,000*l.* would be sufficient for the object in view. He, however, had not taken any steps to show on what information he had formed his calculation, and he did not state how much of this sum would be required by the town of Edinburgh alone. With respect to the resolutions of the right hon. Gentleman, he must observe that they did not give a fair interpretation of the facts, and this was particularly the case with respect to the third resolution. The Report on the table did not point out any specific evil, nor did it recommend the adoption of any particular remedy. The right hon. Gentleman referred to the opinion of Dr. Chalmers on the subject of church accommodation. He would read an opinion of that rev. Gentleman, on the same subject from the same page of the evidence :—" Do you think that the evil of Church destitution could be remedied entirely, or in part, by the multiplication of missionaries to a great extent ? — This forms a very good initial operation, and I would much rather that it was never dispensed with. If we were to run up a number of churches, at this moment, we would be exposed to the mortifying view of empty benches. The first point should be a parochial missionary to cultivate the district; the process should begin there, but not end there. After he had done the work to a certain extent, and filled his station, he should be translated into a higher status ; and the circumstance of becoming an ordained minister, and able to dispense ordinances, would give him a tenfold greater ascendancy over his district." From this opinion of Dr. Chalmers it was quite clear that he did not think that the mere fact of building a church or opening a chapel was sufficient to secure a congregation. He concurred in the opinion of Dr. Chalmers, that it would be desirable that with respect to those parishes in which there was a want of religious instruction it was almost indispensable, that in the first instance, they should resort to the labours of the missionaries. Dr. Chalmers maintained, that after the missionaries had been engaged for a certain period, they should become regular ministers of the Church, whereas the Dissenters contended, on the other hand, that missionaries should continue in that office, and that Dissenters should be appointed as well as ministers of the Church, and that they should be remunerated by voluntary contributions. He had been informed, that when the labours of the Commissioners had commenced, the number of missionaries had been increased, and several persons influenced by their own zeal, and others supported by the contributions of religious persons, were then exerting themselves to spread religion throughout the country. With respect to the Crown teinds and the bishop's teinds, which had been alluded to by the right hon. Gentleman, he would only observe that it was a question which he had referred to the consideration of the Commissioners. It was to be considered what means were or might become available to supply that want of religious instruction in Scotland which had been so eloquently described : the right hon. Baronet had appeared, throughout his speech, particularly careful to guard the landed proprietors of Scotland against any call being made on them to contribute more than was strictly due from them under former laws. The right hon. Baronet should consider that not Scotland only, but England, too, was interested in the promotion of the means of religious instruction. When the right hon. Gentleman was in office two years ago, he had very properly annexed a prebend of Westminster to the rectory of the parish in which the house stood ; and it was made part of the arrangement that the parish should contain two places of worship, besides the parish church. It became necessary that an Act of Parliament should be passed for the purpose, but the pressure of public business had been such that hitherto he had not been able to carry this object into effect. All these subjects ought to be taken in their course: and it was most objectionable that hon. Gentlemen should delay the progress of public business for the sake of increasing excitement in Scotland or any place else. These subjects should be considered in due course, one after another, in order that a full consideration of each might produce some mature and regular proposition, instead of delusive resolutions such as these. He could assure the House, that when this subject had been maturely investigated, he should come forward with a distinct proposition, if necessary, or, at any rate, fully state the views of Government on the question.

Sir *G. Clerk* regretted the speech which the noble Lord had just made. The noble Lord charged his right hon. Friend with bringing forward this motion for the purpose of obstructing public business. Now, what was the fact? His right hon. Friend had given notice two months ago of his determination to bring this question forward, if the Government did not anticipate him. When he gave that notice he had not been able to find an opportunity of bringing it forward. Two Gentlemen, supporters of the noble Lord, had given notice that on a certain evening they would bring forward their motion touching the Septennial Act. The noble Lord requested them to postpone it to another day; he offered them another day; and what day? Friday, the 5th of May. His right hon. Friend, however, then interposed, and adverting to the notice he had given, expressed his determination not to give way. What day was then selected? next Monday, which was also a supply day; but on which he did not think the noble Lord would repeat the objection he had that night made to his right hon. Friend. There never was a question agitated in Scotland which was so little of a party one as this which the noble Lord appeared to think it was. [Lord *J. Russell:* I alluded to the time.] He should come to the question of time shortly; but so far from its being a party question, there was a great desire that many of the Whig party should come forward and second these resolutions, and to them a preference had been given. As to time; had not sufficient time elapsed since the issuing of the Commission in 1835? The Commission had been sitting two years; it had cost 17,000*l.*; and it had merely produced this report on Edinburgh. If it continued to proceed with equal slowness, there was but little prospect of relief for those evils which the noble Lord admitted to exist. The noble Lord seemed to insinuate that nothing had been done by former Governments. This question had not escaped the attention of former Governments. It was very well to talk of the expense of the war, and the outlay of 140,000,000*l.* in one year. Whatever the noble Lord might think of that war, the country had felt the deepest interest in the fortunate issue of it, and, while contributing to the expenses of waging it, had been unable to expend much for domestic purposes. But soon after the peace, the matter had been attended to. A million had been first, and then 500,000*l.* applied to this very purpose in England; 100,000*l.* had been voted, and then 50,000*l.* for Scotland; some alterations were made in the Scotch Bills elsewhere, and they were not passed; but one measure did pass, that for building churches in the highlands and western isles of Scotland. It did pass, and forty churches were built. Did the noble Lord think so lightly of the Establishment as to refuse a grant for extending its means of accommodation, on the ground that Dissenters had sittings unoccupied, or had built new churches? Why, most of the new churches built in Edinburgh were intended for the use of Roman Catholics; and surely the noble Lord could not mean that the Presbyterians of the establishment were not to have accommodation in the churches of the establishment, because they might go and hear mass in Catholic chapels. The noble Lord had said, that he could quote passages in the report against what had been advanced by his right hon. Friend; but the Report was full of controversial evidence, and the Commissioners had undertaken to give a fair extract from the testimony of both sides. It might sound well to speak against the landed proprietors, but they, more than any other class, bore the burthens of the establishment; and if there were no petitions against Church-rates from Scotland, it was because the landed proprietors defrayed the charges of building and repairing churches and parsonages. He objected to the calculations of the noble Lord; it was not for forty per cent. of the population, but for fifty per cent. of it, that accommodation was required; and in Glasgow, the report on which had been concluded twelve months ago, the amount was sixty per cent. He could not comprehend why that report had been held back. But in Edinburgh it appeared that out of 91,000 persons, there was not accommodation for more than 36,000; so that there were from 40,000 to 50,000 persons who did not habitually attend a place of worship? What was the comment of the Dissenters on this? Why, they admitted that there were from 25,000 to 30,000 persons who never attended. Where there was then such an amount of practical heathenism, ought any Christian Government refuse to interfere? The noble Lord had admitted, by ordering the Commissioners to report, from time to time, that the Government ought at once to interfere, when the evil in any particular place was ascertained. The rate at which seats were let was so high, the dislike to free or cheap sittings, which were generally in obscure corners, was such, that the churches were inaccessible to the poor. The Dissenters knew this well, and distributed their free or cheap seats throughout the church. Now, what was the case with regard to the seats? Out of 14,000, as it appeared in p. 308 of the Report, there were only 2,600 which were let at so low a rate as 5*s.* This, however, was a great deal too much for a labouring man earning from 10*s.* to 12*s.* a-week. Were the sum even to be 2*s.*, that would exceed the powers of a poor man wishing to provide seats for his family. So that instead of there being accommodation for forty-four per cent., it might be safely said there was not enough for twenty-two per cent. The noble Lord had quoted a sentence of Dr. Chalmers, not perceiving that Dr. Chalmers was carrying out a former answer; and was insisting that the mere building of churches would not be enough; but that missionaries were necessary. The noble Lord seemed not to know, however, that these missionaries were not all churchmen, but that many were laymen. The members of the church of Scotland had built many churches during the last fifteen years, and what they wanted was, to have such a sum allowed as would enable them to procure stipends for the maintenance of the clergymen without charging the poor too high for their seats. The right hon. Gentleman opposite (the Chancellor of the Exchequer) had made it a part of his plan to raise funds from the rent of pews; but he acknowledged that it was the duty of the Government to find seats for the poor. This was the demand of Scotland: it asked, that its clergy should be endowed, in order that its poor might be provided with accommodation in the churches. The noble Lord had said, that a special remedy for these evils was recommended by the Commission. He thought that the House and the country had great reason to complain of this. For what was the Commission appointed? He feared that the report, proving the existence of these evils, had been reluctantly wrung from the members of that Commission, and that to that cause was to be attributed the excessive lateness of the period at which the report had been presented, and the confusion which appeared in the drawing up of that report. There was a series of details given; the Commissioners did not add them up; there were no totals, and the Commissioners themselves said, that the details did not afford the means of coming to any satisfactory conclusions, and they had not come forward to propose any remedy for the evils which they acknowledged to exist. He called on the Government, then, to provide the remedy. The people of Scotland did not ask to have churches built on speculation, and as no profit would be received by those who contributed to the erection of the fabric, it could hardly be supposed that the Scottish people would be so ready to part with their money as to build churches where they were not absolutely required. He thought that it ought to be made a condition precedent to a grant from the Government that the seat rents should be fixed at the lowest possible sum. That would be more agreeable to the people of Scotland than to provide an increased number of free sittings. They had a great objection to free sittings. One of their great objects in going to church was to be able to go to the same seat; and he was also proud to say, that a strong national feeling of personal independence, which had contributed, perhaps, more than any other cause to keep Scotland without Poor-laws, had a great share in producing this feeling. He repeated, that there was a great unwillingness on the part of the people of Scotland to receive any assistance that was purely gratuitous, and that even in the education of their children they preferred to have the stipend fixed at a low sum; so that, by making a pecuniary exertion, they might be enabled to pay something out of their own pockets for that purpose. The noble Lord had said, that there were other inquiries going on which were not yet terminated. There was an inquiry going on into the unappropriated tithes in parishes. But let the House consider where these were. The greatest part of these parishes were in the city of Edinburgh itself, and the clergy of the city were not paid out of tithes, but by a house-tax levied for that purpose. The noble Lord might easily have got all the information he required on this subject from the King's office in Edinburgh. He ventured to say, that 50*l*. for copying clerks would have been quite sufficient, but the noble Lord refused a grant of 50*l*. for such a return, and a Commission would be sitting another year at Edinburgh at an expense of 7,000*l*., for the purpose of acquiring information which might be obtained in a week at a cost of 50*l*. And this was what his Majesty's Government called economy. Now, with regard to the church property, which he admitted was available for the purpose of giving increased church accommodation, he contended that it was of no consequence whatever to the House whether the amount of that property was sufficient for that purpose or not. If that amount proved to be large, the people of Scotland would have a right to demand the accommodation. That property having passed into the hands of the Commissioners of land revenue, it now formed part of the consolidated fund, and therefore the country ought to provide for the remedy. If, on the other hand, there was no such fund, then he asserted that it was the bounden duty of the Government, this great destitution having been proved, to provide the remedy. Then, with regard to the inquiry respecting bishop's teinds, and other church lands which were now the property of the Crown, he considered that it formed a still stronger argument for the present motion. He knew that a return on the subject existed in the Treasury, and he believed that 7,000*l*. or 8,000*l*. of these bishop's rents was still unappropriated. If, then, as his Majesty's Government contended, when there was a surplus of church property, it ought to be applied to public purposes, surely when there was a deficiency of church property, by a similarity of reasoning, it ought to be supplied out of the public funds. There were also other church funds derived from lands let out on lease, which were under the control of the Commissioners of Land Revenue, and it was their bounden duty, whenever an opportunity offered, to take care that the interests of the Crown were attended to, and not to renew the leases except upon equitable terms. He maintained, however, that they were not to wait till these returns were produced. There were from 25,000 to 30,000 persons in the city of Edinburgh alone who wished for a seat in church, but could not obtain that accommodation, and he called, therefore, on the House, not indeed descending from the high ground of the obligation to provide for the immortal welfare of so many souls, but on the ground of policy also; and he called on the noble Lord, as he wished the peace of the country to be preserved, to make such a grant as was necessary, and he was sure that the money granted would be saved ten times over in the course of a few years, by reclaiming these persons from ignorance, and teaching them habits of industry and providence. Dr. Chalmers had observed that the dwellings of those persons who were of a religious turn, though with no greater means than their neighbours, had always an appearance of greater comfort and neatness than those of their neighbours who were not so religiously disposed. The increased habits of industry that would follow upon increased church accommodation would, he contended, amply repay the State for any pecuniary grant. The noble Lord would also save in the amount of the estimates of the expenses of public prosecutions which the learned Lord Advocate would have to lay on the table of the House, which expenses had increased so much during the last few years; and he would also find a reduction in crime, which he was sorry to say had increased twenty-fold, and then the Under-Secretary for the Home Department would not be obliged to introduce a Bill for building those large penitentiaries for the confinement of persons in Scotland. He did hope, however, that the House would consider this question upon much higher grounds, and that they would agree with him in thinking that it was the bounden duty of the Government to provide the means of religious instruction for all classes of the people.

Mr. *Hope Johnstone*, who was most imperfectly heard throughout his address, was understood to say, that, as a Member of the Commission, he thought that every exertion had been made to prepare the Report as early as possible. There was a great variety of objects of inquiry; they had to circulate questions through all the parishes in Scotland, which were upwards of 1,000, and wait for the answers; and he must say, that no men could have devoted themselves more assiduously to the objects of the Commission than those gentlemen did. Some of the parishes were in Orkney, and Shetland, and the Hebrides, and were perfectly inaccessible, except during the summer months. With regard to the charge brought against them of not pointing out a specific remedy for the evils which they had reported to exist, he thought that it was better to make a statement of facts, than to recommend a remedy which, constituted as the Commission was, would only come from a section of the board, and would therefore have the appearance of an *ex-parte* statement. With regard to the question immediately before the House, he should despise himself, looking at it as he did as one of the highest and most sacred import, if he could regard it as a party measure; and therefore he assured the noble Lord (Lord John Russell) that if he did not find himself compelled by a sense of duty to vote for these resolutions, he would at once say so. There was no less a number than 40,000 persons, and in his conscience he believed that the number was much greater, who, in the city of Edinburgh, habitually absented themselves from public worship, and of these there were about 14,000 persons who professed not to belong to any Christian sect. It was quite clear that such a state of things as this could not be suffered to exist, unless some strong reasons compelled it. At present it arose partly from an actual want of seat room, and partly from the high rate of seat rents. But it appeared that there was another reason. It was the reluctance of the people to sit in free seats. Dr. Chalmers remarked, that the people of Scotland did not like to be pilloried for poverty, any more than for crime, and they would not place themselves as paupers among the congregation. He considered that every inducement ought to be held out to the ministers to make a more frequent practice of household visitation than they did. We ought not to permit persons to grow up in the state of utter ignorance in which these people were, leading lives of the grossest profligacy, of which it was shocking to hear, without one cheering hope to sustain their sinking spirits. Increased church accommodation was required, and he could not see that anything precluded the Government from taking that course, and he hoped he should have a distinct assurance that they would apply that remedy to those evils. As to the manner in which that remedy was to be applied, he did not say that any particular plan was best. The subject was intricate, and required much consideration, which, indeed, he thought it ought to receive. He supported those resolutions, because they had the merit of leaving open the question as to the means and funds out of which aid was to be derived. He thought it was the duty of the Government, as it certainly was good policy, to come forward with some measure to remedy the evils complained of, and to extend wider the means of religious instruction of the people of Scotland.

Lord *John Russell* begged to offer a few words in explanation, as he was afraid he had been supposed to bring any charge against the Commissioners. He certainly had not meant to bring any charge against the Commissioners, and had only said, that they had suggested no definite remedy for the evils which they had stated to exist. Not having suggested a remedy, it was the more necessary for the Government to use the utmost care in the formation of a plan, and he was afraid he could not at present go further than to say, that it was a case demanding the utmost consideration. He did not deny the existence of the evil, but in respect to the remedy to be applied, a great difference of opinion might exist. It was not clear from the Report, whether the evil arose from want of church accommodation, or from want of instruction; and the Government wished to take all these circumstances into their consideration before they brought forward their measure.

Mr. *Gillon* thought that the right hon. Gentleman from whom the resolutions had emanated might have postponed the question, and spared the House its discussion at the present time at least. They were called upon to decide with respect to matters upon which a report had not yet been made. If doubt existed upon the mind of any individual as to the propriety of the step adopted by his Majesty's Government two years ago, when they appointed a Commission upon this subject—if any one had upon this point entertained a doubt before, that doubt must now be certainly removed. He begged to say, in opposition to the statements that had been made upon the other side of the House, that, looking to the Report made by the Commissioners, it would be found that the complaints the hon. Gentlemen opposite had made had broken down, and, so far as they went to apply to church-accommodation, it was manifest that they had no ground for demanding a grant for building additional churches. It was his duty to refer to one or two statements made by hon. Gentlemen opposite. Before he did that, however, he wished to refer to the constitution of the Commission, to which this very important inquiry was confided. It would be recollected that in the year 1834, and in the beginning of 1835, petitions in great numbers were presented to Parliament, making demands for a grant for church accommodation. In consequence of these petitions, counter statements were made, which emanated principally from Dissenters in Scotland. He should be ashamed of himself, whatever obloquy such a course might expose him to, if he did not defend, as he felt it to be his duty, that valuable, meritorious, and influential class of men. Now, when a Commission such as that which had been appointed was about to be nominated, it was naturally to be expected that it would be composed of persons of both persuasions. The constitution of the Commission would justly have been objected to, if it had been composed entirely of Dissenters. How was the Commission composed? There were twelve Commissioners, and he did not know how many assistant Commissioners, and of all these there was only one individual connected with that respectable body to whom he had before referred. Two years ago he had protested against the appointment of a Commission so composed. His hon. Friend near him would bear him out in recollecting the objection that he had at that time made against the constitution of a Commission composed entirely of churchmen with but one exception. In this opinion he was joined with several others. He could not but look with some degree of jealousy on a Commission the members of which were naturally biassed to one set of opinions. But let them, then, look to what took place on the appointment of the Commission. Because that Commission was not composed of men who had made up their minds upon one point—because those persons were not all prejudiced in one particular way, the Church-extensionists assailed his Majesty's Government in the most extravagant language; and more political virulence was exhibited by them than was at all consistent with that decorum and gravity which was to be expected upon a Church question. This course was pursued by the Church-extensionists—it was they and not the Dissenters who raised an objection to the Commissioners. Then, with regard to the statements made on the other side respecting Edinburgh, he did not know what was the opinion entertained by his Majesty's Government; but, in his judgment, there was no ground for the demand made for additional church accommodation. The gross population of the united district of Edinburgh was 162,193 persons. The church accommodation for such a number, according to the legal rules laid down in their courts of law, and which the right hon. Baronet had attempted to show was too small, was 72,132 seats. In the churches connected with the parishes there were 36,001 seats, and the Dissenters provided 42,705 seats, making in all 78,706 seats, thus showing an excess of 6,574 seats beyond the demand contemplated by the courts of the country for the whole population of Edinburgh. Now, the right hon. Baronet said that this was not sufficient. From his statement a person would suppose that the churches were overcrowded, when the fact was, that at the very time this demand for additional churches was made, there were not less than 21,154 seats, both of the Established Church and the Dissenting congregations, unoccupied. Another way of calculating the matter was this, the Church-extensionists claimed the whole of the population in 1834 as belonging to the establishment. As then the seats in the Church Establishment were not sufficient for the population, an apparent deficiency was created. He knew that in one of the boroughs with which he was acquainted, the Committee of the General Assembly stated, that there was a deficiency of 4,200 seats, whereas, when they had taken into calculation the accommodation provided by the Dissenters, there was not a deficiency of above 1,000 seats. It was stated in the Report that there was a deficiency, not of 6,000, but of 4,348 seats; but, by looking to pages 4 and 23 of the Report, it would be found that those deficiencies had been completely supplied. Since then, four additional churches had been built, providing seats that more than supplied the deficiency. What was his reply to the statements on the other side? He found that in the churches connected with the establishment there were absolutely 3,617 seats, at 5*s.* per seat, unoccupied; 248 seats, at 2*s.* per seat, unoccupied; 786 unoccupied, rating from 2*s.* to 3*s.* per seat. There were 3,301 seats that cost less than 5*s.* each unoccupied. When this case could be made, how came it to be stated that there was a great deficiency of Church accommodation? The right hon. Baronet had very truly stated that there was a great aversion on the part of the Scotch people to receive anything gratuitously; and then the right hon. Baronet did not himself propose to give to the poor seats gratis. There were now 3,301 seats that could be acquired for a less sum than 5*s.* a-year, and 1,000 seats that could be acquired for a less sum than 3*s.* He did not see how the right hon. Baronet proposed to give seats cheaper than this; he did not see how he was, in this respect, to remedy the case of destitution he had laid before the House. But it was said by the Church extensionists that this was the great benefit they would derive from a grant—that it would enable them to complete the parochial system. He begged of hon. Members to attend to this. It was proposed to divide the country into small districts, and to put into each of them a Church with a minister, and to confine the people to the ministration of that particular minister. They were to alter the parochial system. That was the course which they proposed to pursue, and the Report showed how inapplicable was such a system to the country. A striking instance of it occurred within his own knowledge. He was informed by a popular preacher in Edinburgh, that during a residence of six years in a particular parish, out of every parishioner in it, there were only two families, consisting of seven individuals, who regularly attended his Church. What an enormous expense would be incurred in having the parochial system established. A statement had been made in the Report, to the effect, that there were between 40,000 and 50,000 persons in Edinburgh who were not in the habit of attending places of religious worship. How the Commissioners arrived at that conclusion was not made out. The proper number of attendances was 72,132; the seats that were let, free, and allocated were 56,504. They were to deduct the free seats that were not occupied, those that were not let, and yet might be filled by those who were in the habit of attending the churches, and the residuum would be 15,628 not in the habit of attending places of religious worship. This, unfortunately, was an appalling picture; it was not so bad, however, as it had been painted; but still the number of non-attendances on religious worship was such as every well-wisher to the good of society must deplore. But then they came to the means proposed to remedy the evil. What was the most efficient as suggested by the promoter of the resolutions? He had already shown that there were seats enough in the churches in Edinburgh. Oh! but then they must have new churches! Why? He could not understand it, unless it were conjectured that there was some virtue in the walls, from which strange benefits were to be derived. They were told they ought to have additional churches, and forty ministers officiating in the churches; but then as the new churches were filled, the seats in the other churches would become deserted. And it was thus that they were to go on! Then, by what means were they to provide religious instruction for the 15,000 or 16,000 who, as he had shown, were not in the habit of attending places of religious worship? In the 31st page of the Report, the most satisfactory proof was given of the beneficial labours of the ministry of the missionaries. More of these missionaries belonged to the Dissenters than to the Established Church, and he was afraid that if they endowed ministers and built churches for them, they would be, instead of increasing their zeal, doing that which was materially calculated to diminish it. What was proposed by the Church-extensionists if the money that they asked for was granted to them? They would with that money endow the existing chapels—they would take from wealthy individuals that burthen which, from the most praiseworthy motives, they imposed upon themselves, and which they now willingly bore. This was the way in which that money would be applied which was now said by the right hon. Baronet to be intended for the benefit of the poorer classes. The very first use that would be made of it would be to relieve persons in the higher and middle classes. But he begged hon. Members to reflect how far the grant might be extended? The other day, when his Majesty's Ministers proposed the question of Church-rates, they were told that, notwithstanding the wealth of the dignitaries of that church, there was not a smaller number than two millions of the population of England destitute of religious instruction. This, too, occurred notwithstanding the overgrown revenues of the dignitaries of that church. Where were the funds to be procured for this object? If all the grants that were asked were conceded, a sum amounting to not less than 20,000,000*l.* would be required to meet such demands. He should not regret, if the funds could be spared, to devote them to such an object—none could be more praiseworthy; but then he did object that the Dissenters in England and Scotland, of whom he begged to assert, that it was to their exertions the poor owed that religious instruction which they now enjoyed, considering, too, all the benefits of morality which they had conferred, and and that they, by their own resources, had built churches and sustained their own ministers—he did, on their part, object to their being compelled to bear any portion of the burthen which was now sought to be placed upon the country. He thought that the right hon. Gentleman might have waited until the Report had been concluded. He might have waited until the Commissioners had reported what ecclesiastical funds could be made applicable to the demands of the Church on this point. He did not consider it extraordinary that it was declared that the inquiry would be useless. He believed there were many Tory landlords who would be sorry to find the unappropriated teinds called for. This might account for the extravagant zeal now manifested. For his own part, he must say, that he considered the present motion originated more for the purpose of serving a political purpose than to be the emanation of religious zeal. The right hon. Baronet had told them that strong feelings had been excited in connexion with this subject. It was quite true, that from the moment the Church-extensionists had commenced their labours, sectarian feelings and religious animosities had been excited —from that period to the present, the most pernicious efforts had been made to arouse bad feelings amongst the population, and it was with great regret that he had seen lately ministers of the Kirk degrade their office to political purposes, and use their pulpits as an arena for sectarian animosities and partisan enmities. It was painful even to have to recite such facts; but he was convinced, that as long as such demands as they had before them that night were made, so long would such unhappy scenes continue. He wished, by the statement he had made, to counteract the effect of the resolutions that were proposed by the right hon. Baronet. He wished, too, to put upon record that of which he was convinced in his own mind, that on that Report no ground was laid for calling for their adoption. As the forms of the House did not permit him to adopt this course, he would content himself with giving the proposition his most decided opposition.

Sir *Robert Peel* would be sorry to allow this subject to come to a conclusion without some Member unconnected with Scotland taking part in the discussion. He should be particularly sorry if it should be inferred from such a circumstance that there was not as warm an interest felt for the welfare of Scotland, and for the spiritual concerns of its people, as for any part of the United Kingdom, among the Members of that House who were not connected by birth with that country. In the few observations which he meant to make on this subject he would confine himself to considerations of a public nature, and would not attempt to follow the example of the noble Lord opposite. Supposing that in former administrations large sums of money had been voted for the purpose of carrying on a war which the noble Lord might think unnecessary, but which the people of this country thought essential for the maintenance of the honour of the country, and for the protection of their vital interests—supposing the fact to be true, he would not say that they were therefore discharged from the necessity of attending to the spiritual wants of the country. The noble Lord told the House that 140,000,000*l.* had been expended in one year, he believed it was in 1815; and, he believed, also that it was necessary, to support the mighty contest that was brought to its final termination by the glorious battle of Waterloo. It seemed to him that the House of Commons had expressed its decided concurrence in the policy of maintaining that war; and unless he was much mistaken, when the matter was brought to a vote the noble Lord did not dissent from the address then agreed to. He thought that the noble Lord might find also amongst his bosom Colleagues many of the most distinguished and cordial supporters of that policy. It now seemed that the noble Lord was inclined to blame that war, which terminated, as he had already said, with the ever glorious battle of Waterloo. But the matter for present consideration was, whether there was conclusive proof in the evidence on the table that the state of religious instruction in Scotland called for the interference of that House? The noble Lord objected, he said, to a partial consideration of this question. He apprehended that when the Commission was appointed the noble Lord himself recommended that they should make periodical reports for the purpose of taking them into separate consideration. They had now before them the Report on the state of Edinburgh, and there was no reason why they should not apply themselves to the consideration, not of the general principle on which hereafter they might extend aid for religious purposes, but that they might take into consideration the state of the metropolis, and that they should, if they approved of the principle of such a grant, make one which would be sufficient for remedying the crying evils that existed there. The reason so large a portion of the population as 50,000 were in the habit of neglecting divine worship was given in the Report. The reason, or rather the principal reason, was stated to be this, and all parties concurred in thinking so, namely, the disposition of the people themselves. This partly arose from their extreme poverty, and partly from the circumstance that their attention had never been called to the subject of religion, and they were totally ignorant of the duties it imposed. Many of them, according to Dr. Lee, did not know the first truths of religion, a large portion of them was sunk in habitual debauchery and vice, and were insensible to all the feelings of religion and morality. This being the state of forty or fifty thousand persons, he asked the House whether or not they thought that the advantage of applying, to a limited extent, some legislative remedy to these evils did not far counterbalance any speculative objections that could be made to it. There were some documents published at Glasgow which he considered to be of the utmost importance. They stated this very striking fact, with respect to the proportion that existed between the commission of crime and the habit of attending divine worship. He begged the attention of the House to the simple statement of this most material fact. The right hon. Baronet referred to the document to show that in several parishes in Glasgow the number of the people who possessed church accommodation was in the proportion of two, four, five, and eight in the hundred, and upon further inquiry it was stated, upon the authority of police magistrates, and of the governor and chaplain of the bridewell, that nearly all the criminals who were tried or immured within the gaol came from these places. Where, on the contrary, the number which possesed church accommodation was in the proportion of fifty, sixty, seventy, or eighty to the whole population, the police had no duties to perform, and the bridewell received no inmates. If, therefore, he considered this question in a purely economical point of view, he thought that by giving the means of religious instruction and attendance at divine worship, a saving might be effected in the expense of maintaining the peace, which would far outweigh any advance that they might be called upon to make. The hon. Member for Falkirk asked what limits there were to be to this interference. Now, he thought they might establish very wise limits; he thought that his hon. Friend proposed wise limits. The principle might be applied in the first instance to Edinburgh, and afterwards they might carry the principle to its full extent throughout the whole of Scotland. The principle he would propose was this, that if the people themselves provided edifices, if by their own voluntary subscription they provided churches, then the State was to be at the expense of the endowment. They would thus establish limits, and narrow limits, to the extent to which they could be called upon for Parliamentary aid, and they would have this conclusive evidence of its necessity, that before they granted Parliamentary aid there must be a voluntary subscription on the part of those who had the best means of acquiring local information, and who were most chiefly interested in the local welfare of the place. He would not say, that it should be necessarily limited to this extent, because he could conceive cases of moral destitution in places where there were no rich proprietors who could afford to subscribe a sufficient sum for the erection of a church, and in these some further assistance would be required. But if they established the principle that Parliamentary aid should only be granted as a permanent endowment where the chapels were raised by voluntary subscription, he did not believe that the sum they would be called upon to advance would be more than 20,000*l*., a-year. When he compared the inestimable advantages that would arise from the greater spread of religious instruction in a moral point of view, and even in a pecuniary point of view, from the advance of this sum, he could not hesitate as to the course that he felt called upon to adopt. Some thirty or forty years ago Scotland exhibited a most beautiful example. The people were better educated, they had a juster sense of religion, there was less actual crime and more of religion, speaking generally, than was to be found in any other part of the United Kingdom. He was afraid it could not be denied, that the character of Scotland had not maintained itself in this respect. It had increased in wealth, and in many of the elements of prosperity, but its people had not preserved that character of which they formerly exhibited so distinguished an example. He apprehended that the simple truth was, that the population had outgrown the means of instruction. Whilst the country was increasing in prosperity, and obtaining all the luxuries of life, the Legislature had neglected to provide increased moral and religious instruction. A great influx of population had taken place into the towns, and in the towns they found at present the greatest instances of religious destitution, and the fewest means in proportion to the population of attending religious worship. He apprehended that the cause was easily to be ascertained. In towns, the shame of neglecting divine worship did not operate to the same extent as in the country. The landed proprietor, occupying a permanent position in his parish, had the chief interest in maintaining the moral character of the population; but these motives did not operate on the vast manufacturer who resided in a large town, and who had not the same motive for attending to the religious education of the working classes such as existed in country parishes. He thought that the Legislature ought to provide some means by which religious instruction should be provided for these persons. An objection had been made to legislative interference, which appeared to him to have no force. It was stated, that there must be always in the great towns a large population, who, in spite of every care, could not be brought to attend divine worship. Now this he conceived was the strongest argument that could be used in favour of legislative interference, inasmuch as it was their duty, where there were such persons, to attempt to reclaim them. It was these very classes, so deprived of moral and religious instruction, that brought discredit on the country, and endangered the peace of society. He admitted, that the mere building of churches would be of no avail. He admitted that the providing free seats, and those too, of a respectable character, would do but little to remedy that irreligion which habitually existed; but Dr. Chalmers had not limited his plan to the mere extension of churches, he said, that at the time they extended church accommodation they must remove the barriers which prevented the people from availing themselves of the ministration of the gospel — they must add an impelling motive to induce these persons to attend divine worship. He therefore did not propose merely church extension, not merely endowments for those churches that had been already built, but they must circumscribe the exertions of the parochial ministers, they must give them a responsibility for the moral condition of the people under their charge, they must not compel them to confine their attention to their congregational flock, but they must give them a direct interest in the improvement of those who were attached to the church, and not only remove all barriers, but supply an impelling motive to their exertions. It appeared upon all sides that no such existed in Edinburgh. They need not commit themselves to the principle with respect to Glasgow, or any other place respecting which they had no evidence; but if they had a population of 50,000 persons in the metropolis who habitually neglected divine worship, and who had no means of religious instruction, was there any reason why they should not at once proceed to the consideration of that question, and supply those wants? If the principle were established, he should be glad of it. He would establish it to this extent, that where he found among the landed proprietors of Scotland so deep a conviction that evil had arisen from the want of church accommodation, that they were ready from their own means to raise a large sum of money for the construction of edifices, then he would say, let the State step in and provide endowments for these churches. The effect of this principle, carried to its full extent, would not cost the country much, but it would give a stimulus to subscriptions amongst all the inhabitants of Scotland. When the people were unable to raise a sufficient subscription, he contended that it was not only incumbent on the State, but its bounden duty, to provide endowments and also to construct edifices for public worship. On these grounds he believed that the principle limited to that extent was advantageous. He believed that its benefits would far outweigh the speculative objections that might be made to it—that it was the interest of the Dissenters as well as of members of the establishment—indeed, of all—that a moral and religious population should exist in Scotland—that it was their interest to see the ancient name of Scotland again conspicuous—and that that country should take the lead she was used to take among the nations of Europe. He should not only most cordially bear his share of the contributions which he should be called upon to make, not only should he not feel it a violation of conscience, but he should think it consistent with the soundest policy, consistent with the truest economy, and consistent with everything calculated to promote the honour, the peace, and the welfare of the country.

Mr. *Horsman* said, as my name is appended to that Report I feel it my duty, although with some personal inconvenience, to be present on this occasion; but I had still hoped that I need not have been called on to address the House, least of all did I hope to be called in consequence of any more of those attacks which the hon. Member for Edinburghshire has so long been in the habit of making on the Commissioners. I had hoped he would have followed the same course he did last time the subject was before the House, for he then admitted that the Commissioners were ably and impartially discharging their duties, although on their appointment he had accused them of gross incapacity and great political bias. But he has thought proper now to fall foul of their report, and say that it is mystified, confused, and unwillingly wrung from the Commissioners. Now, having listened attentively to all that fell from him, I must say, that all the mystification and confusion we have had an example of this evening was in his own speech. I wish I could add, that it also was unwillingly wrung from him; but that certainly has not been the case; that speech was intended to produce much effect, and had certainly cost much preparation, for with all my willingness to give full credit to his ability in that line, I do not think he could have given vent to such a long train of ignorance and inconsistencies without a very great deal of preparation indeed. That report was made by the Commissioners after an inquiry instituted under every difficulty—under difficulties arising partly from the conduct of the Members for Bute and Edinburgh, who excited much feeling against them, and also from the opposition of the church, who for their reasons were dissatisfied with the constitution of the Commission, as well as from the hostility of the dissenters, who had also their reasons for disaffection. But what has been the result? That inquiry has been completed—the Report has been published for weeks—the church find no fault—the Dissenters show little dissatisfaction, and in this House it has passed without a single criticism, except the Member for Edinburgh's vague declaration that it is mystified and confused. I shall not vote for the resolutions of the Member for Bute, and for this among other reasons, that I feel them to be brought forward solely from party views. They are nominally for the interests of the church; they are in reality to promote the cause of Conservatism in Scotland. I object to this attempt to convert the Scotish church into a political engine—to degrade it, as the churches of England and Ireland have been degraded, into an instrument of party warfare. It is certainly competent for Gentlemen to bring forward this question in any way they like; but if they are pleased to be so lavish of their censures on the Government for its omissions, at least it would be more decent in them to begin by a penitent acknowledgment of their own. When they left office in 1830 their party had had an extraordinary lease of power; and with such majorities as they possessed they could have carried any measure for the strengthening of the church; yet up to that time the church had been treated with an indifference bordering on contempt. Not only was no one act of grace ever accorded it to show that the Government had its existence in remembrance, but its wants were unfeelingly disregarded and its interests heedlessly overlooked. But the very magnitude of the evil brought with it one cure, and one by no means favourable to the establishment. The people, for whom the hon. Baronets did not think it worth while to make provision (for they had no votes in those days, and they were not prophets enough to foresee that the church-in-danger cry might one day be as useful to them in that country as it had ever proved in this)—that people, who could get no provision from the Government, set about to seek for it elsewhere; they had wished to learn, but the Government would give them no teachers, they had asked for worship but the Government would afford them no room; they resolved to furnish it for themselves; they were a pious and energetic race; they were poor—the poorest of the people; but they were not deterred by that; the labourer brought a portion of his daily earnings, and the widow contributed her mite, and conventicles arose, and more ministers were ordained, and the gospel became once more accessible to all, and the efforts of the Dissenters were blessed in their effects, for an intelligent people they preserved from ignorance, and a religious people they rescued from infidelity. The state of matters may be judged of by one fact: the very first parish the Commissioners had inquired into had a population of 80,000. When the right hon. Baronet left office it had only one parish church. Now many churches of other denominations had sprung up in it—nineteen. The whole population of Edinburgh is 162,000, of this less than a half belonged to the establishment. Thus, therefore, the House and the public will see, that whatever may be the demerits of others, at least the services of our opponents to the church have not been much to boast of; and if a comparison between the two parties is to be entered on, at least they are foolish to provoke it. The present Government, from the faults of its now assailants, are in this unfortunate position, that they have neither the opportunity to do all the good their predecessors might have done, nor can they hope to remedy all the mischiefs that their predecessors have brought about. On the present condition and character of the Scotch Church establishment I have recently had great opportunities of forming an opinion, and perhaps from personal observation I might venture to put myself in competition even with so high an authority as the right hon. Gentleman. I do not, then, hesitate to say, that the Church of Scotland is by far the most perfect establishment that we possess or know of. It presents none of those anomalies by which our churches in England and Ireland are disgraced; it has no wealth arising from the wants of a suffering and slaughtered peasantry to support the doctrines of a majority of the nation and the priesthood of an alien faith. It has no rich prizes by which to spur the piety of its prelates—no desirable translations by which to ensure their independence—and it presents you with none of the features of an overgrown establishment with a long catalogue of irregularities and abuses, and a retinue of deans, and pluralists, and prebends. No; the Church of Scotland happily, is cumbered by none of those monstrosities, and therefore the Church of Scotland has been an useful and a popular Church—popular from its simple and unpretending character, and useful from the character of its ministry. Its clergy instead of being scions of aristocracy, and too often an example of indolence and immorality to their flock, are invariably taken from the people, and with incomes varying from 150*l.* to 300*l.* a-year, never below the former, and very rarely exceeding the latter sum, they maintain a life of respectability and usefulness, and present to you the picture of the most exemplary, the most laborious, and the most efficient ministry under any establishment you possess. Such was their character previous to their being admitted to political privileges under the Reform Bill. Whether that character is to continue, our opponents are now making a matter of experiment. Previous to 1832 the "Church-in-danger" cry had never been heard in Scotland. But on the passing of the Reform Bill a change came over the dream of the hon. Members for Edingburgh and Bute. The church that had hitherto been disregarded as a means of instruction for the people was now capable of being made a mighty engine of power for the advancement of a party. The practised eye of those experienced Gentlemen saw the advantage to be derived from a good move. Accordingly in that long-lived and prosperous administration which the right hon. Baronet formed, the church was put up to auction, and the first bid for its favours was made by a paragraph in the King's Speech. That speech has been called a series of claptraps; but the greatest claptrap it contained was that about the Scotch Church. It was, however, a skilful move and answered a double purpose. It contained a very safe promise, because the Tory tenure of office was certain to be too short to allow it to be performed; but in the second place it furnished a capital handle of agitation against their successors.

Is it not in accordance with a pledge given at a public dinner that the right hon. Baronet brings forward this motion tonight? In reply to a speech then delivered by a clergyman, the right hon. Baronet the Member for Bute got up—complimented the eloquence of the speaker—praised the speech—drew a pathetic picture of the wants of the Church and the enmity of the Government—showed that he who had, when in office, seen one million at one time voted to the English Church, and 500,000*l.* at another, without getting one sixpence for the Church of Scotland, was ready to become a martyr, and pledged himself to bring the matter before Parliament and obtain justice for Scotland. The right hon. Member has redeemed his pledge. The Member for Selkirk was also there—he also gave a pledge—he has not yet redeemed it—but he also made a speech, almost as eloquent as the one he is going to make tonight, and showed that if the Church of Scotland was to be once more watered with the blood of martyrs, the Members for Bute and Edinburgh should not engross all the honour, for if they died for their religion, the Member for Selkirk was prepared to die for it too. But this was not all—the Peel banquet took place soon after, and it was well known and diligently published that there also the Church of Scotland would be brought prominently forward, and the clergy were everywhere invited to attend. Forty-five of them did attend, and they exhibited a political gathering of the Scotch Church such as had never been seen before. But if the presence of those Gentlemen at that dinner, headed as they were by the moderator of the General Assembly, and all sorts of dignitaries and principals, was injudicious, the sentiments that were uttered by them were still more so. Sir, the best lovers of the Church of Scotland viewed with sorrow and alarm the exhibition that was made by a portion of their clergy on that occasion—they knew that the Tory papers, which blazoned with those names and speeches triumphantly and vauntingly as they did, aimed a heavier blow at their Church establishment than could have been inflicted by a whole army of Dissenters. The right hon. Baronet the Member for Tamworth approves of clergymen being politicians. He told us lately in this House that when they ceased to be politicians they would soon become drones and hypocrites. Now, the people of Scotland think differently; and they tell the right hon. Baronet that if he had looked to Scotland, or been as well acquainted with it as he pretended, he would have seen a Church in which, since the Reformation, there have been no politicians; and yet there have been fewer drones and hypocrites than in any Church in existence. I can tell the right hon. Gentleman from my own experience that a political divine is seldom a religious one; that the man who courts notoriety out of the sphere of his duties, is seldom the one whose labours are the most profitable within it. The thunderer at a political gathering on a week day is not the one whose sermon is most attentively listened to on the Sabbath. I say that I now do, by the encouragement I have received in communications from churchmen of all parties, the greater majority of them, however, of politics opposed to the Government, condemn the conduct of the right hon. Gentleman in bringing on this question now. They are all apprehensive of the effects of the headlong blindness with which some of their body have rushed into the toils of a party whose blandishments are only lavished to mislead, and who were quite indifferent for the souls of the people till it became necessary to propitiate their votes. They know that nothing can be so injurious to the Church as the right hon. Baronet's political protection. The great majority of the people are at present in favour of that Church, but to that same majority the political creed of the right hon. Gentleman and his Friends is particularly distasteful, and nothing could injure the interests of the church so much as making it identical with his. But now, then, that they think, as I do, that his political patronage is insulting, they want it not, they want not the officious patronage of any party; they feel that the clergy have higher duties to perform than to devote their lives to so hopeless a task as replacing the Members for Bute and Edinburgh on the Treasury bench. They spurn, therefore, the alliance that is offered them, or, rather, the political subserviency, and they beheld with horror and dismay the attempt that was made at Glasgow to tack their church as an appendage to the political skirts of the right hon. Member for Tamworth. They know that if such attempts should unhappily be successful—if their ministers, instead of being religious teachers, become political aspirants—if they once prostitute themselves as the tools of selfish politicians, and allow their church to be degraded into the stalking-horse of party ambition, then indeed will it be in danger: with its purity impaired, its usefulness extinguished, and its ministers degraded, detested, and despised, it will fall, as it will deserve to fall, the victim of its own misconduct.

Major *Cumming Bruce* begged to congratulate the House and the hon. Member who had just addressed them on his restoration to health. Indeed, he was happy to see the hon. Member in the perfect enjoyment of that health, the loss of which they had so much reason to deplore when it compelled him to be absent from his duties on an Election Committee. He rejoiced to find, both from the length and eloquence of the address which the House had just heard, that the health of the hon. Member was not so seriously affected as his friends had apprehended. The hon. Member for Cockermouth had commenced his speech by an attack on his hon. Friend the Member for Edinburghshire, and lectured him on the unpopularity of prepared speeches. The hon. Member seemed to think, that to consider the subject in respect to which a notice had been given, was a course which ought not to be pursued. However, he would not attempt to say that the hon. Member himself was entirely free from the imputation which he had endeavoured to cast upon his hon. Friend. He was sure, that no one who heard him would gainsay that the hon. Member, after the address which he had delivered, was not liable to such an imputation. He would not waste the time of the House by attempting to follow the hon. Member throughout his speech, for he had touched on every subject but the subject at issue. But he could not allow to pass, unnoticed, the imputations that he had cast upon an individual of whom the country had every reason to be proud—the illustrious Dr. Chalmers. He could not allow any imputation affecting that illustrious and distinguished individual to pass unnoticed; and he felt bound to say, that the statements which the hon. Member had made, must have been from a total misunderstanding and misrepresentation made to him. There was a gentleman at present in London who was present at the meeting in respect to which it had been stated, that Dr. Chalmers had objected to Lord Moncrief. So far from Dr. Chalmers having had any connexion with this transaction, he was all the time ill in bed. Now, he would say, let the House judge from this statement of all else that had been advanced by the hon. Gentleman. He would say, *ex uno disce omnes.* What dependence could be placed on the accuracy of statements which might have been forced on the credulity of the hon. Member, when he had been led into such a mistake with reference to this fact? The hon. Member had accused hon. Members at his side of the House, with making the Church of Scotland a party question. He did not think it necessary to repel that accusation. But did the speech of the hon. Member show a total freedom from party spirit—a complete and perfect avoidance of party asperity? He would leave those who had heard the hon. Member, to form their own conclusions. The hon. Member's speech showed, that on a question which ought to be sacred from political excitement, he was unable to keep himself free from the intermixture of party and political opinions. The newspapers, unfortunately, had not been in the habit of paying much attention to what occurred respecting subjects connected with Scotland in the debates of that House. He regretted, that he could not compare the spirit of the speech of the hon. Member with that of the hon. Member for Dumfries, which he (Major C. Bruce) had listened to with great pleasure and great instruction, and with a considerable modification of his previous opinions on the subject. However, there was one part of that hon. Gentleman's speech which he could not go along with—where he said, that the zeal of the Dissenters for religious institutions, was greater than that of the members of the Established Church. In answer to that, he would only say, that the voluntary subscriptions of the members of the Established Church for the promotion of religious instruction in Scotland, amounted to 150,000*l.*, and he thought that was sufficient to show the zeal of the members of the Established Church. The hon. Member opposite, had made it a charge against the clergy of the Church of Scotland, that forty-five of their members had attended at a public banquet at Glasgow—at the Peel banquet. But when the hon. Member took upon himself to state, that the clergy of Scotland took no part in politics until the franchise was forced upon them, he would please to remember that the clergy of Scotland were indebted to those who sat at the same side of the House with the hon. Member for Cockermouth, for having the franchise forced upon them against their will. He had opposed the extension of that franchise to the clergy at the time when the Scotch Reform Bill was before the House, and several of the clergy had thanked him for having so done. But this franchise having been conferred upon the clergy, how were they to act? When the Legislature had forced civil duties upon the clergy of the Church of Scotland, would it have become them to shrink from discharging those duties? He knew they would discharge those duties conscientiously, whether they voted for Whig, Radical, or Conservative. But would any one say, that these were grounds on which hon. and conscientious men were to be judged? The hon. Member had so mystified his speech, that he was sure even the hon. Member for Middlesex was not able to make up his mind, how he should vote upon this motion. Some few years ago, the right hon. Member for Bute had moved for a Select Committee to inquire into the entire subject. That motion had been met with an amendment by the Secretary for the Home Department, to the effect of issuing a commission to inquire into the entire subject. His hon. Friend, who thought at the time it would be advantageous to his purpose to have the Government with him, assented to the proposition of the Home Secretary, and consented to withdraw his motion. He was the only Member at the time who had refused his assent to that amendment. He expressed his decided reluctance to agree to it. His right hon. Friend the Member for Tamworth, who rose after him, took a different view of the subject; and on account of the advanced period of the Session (it was then July) spoke in favour of the amendment. He, on that account, was willing to yield to an authority which he had always felt disposed to respect, and withdrew his opposition. The motion for the issuing of a commission was, consequently, unanimously carried. The reason why he felt disposed to place no confidence in a commission was, because he distrusted the intentions and disposition of the Government with respect to the Church of Scotland. It was that feeling, that had induced him to dissent from that proposal. As he had then, however, availed himself of the opportunity of stating the reasons for his distrust, he would not now trouble the House by repeating them; but he would say this much, that his objections were principally founded upon a speech delivered by the Lord Advocate of Scotland, in which that learned Lord expressed sentiments so inimical to the Church of Scotland, and the principles on which it was founded, that he (Major C. Bruce) found himself compelled to distrust any Government in which the enunciator of such sentiments and opinions, so far as Scotland was concerned, bore so important a part and exercised so important an influence? Now, why was that commission issued? The Secretary for the Home Department was aware of the sensation which that speech had created, even amongst the Members from Scotland who were the supporters of the Government; and it appeared to him, that his concession at the time was more intended to allay the tempest, than from any sincere desire towards the Church of Scotland. It was a disposition suddenly to calm the troubled waters, and to leave other circumstances to be disposed of at a future time. It reminded him of a similar disposition, though perhaps a more effectual one, to assuage the troubled waters—*Hos ego!—sed motos præstat componere fluctus*. On the occasion to which he referred, the noble Lord said, in reply to opinions that had been expressed, that "the labours of the commission might prove interminable unless they were rendered precise and determinate; that it might have been urged as an objection that the Commissioners might protract their labours to an indefinite period, but that their labour would be lessened from time to time by making reports to the House (as we understood the hon. Member); and that when, after sufficient inquiry, they had decided on the remedy that ought to be applied, the House and the Government would immediately proceed to act upon it." Now, he would ask the House, had not the objection to this commission been borne out by the result. He would ask the noble Lord, had any of these objections been obviated by the course to which he had pledged the Government? The noble Lord, on the occasion referred to, expressed his regard for the Church of Scotland; but he always had accustomed himself to place more confidence in action, however small or limited, than in professions, however large or high-sounding. The Church of Scotland asked for bread, and the noble Lord gave it a stone. They asked for a grant, and the noble Lord gave them what?—a commission. The Church of Scotland, however, did not sue *in forma pauperis*. She asked a grant to enable her to extend necessary religious instruction. Well, a commission was granted, and, after two years' labour, what had the Commissioners accomplished? They had produced a report, which, in some respects, was perfectly unintelligible. When the noble Lord was asked the meaning of the report, he said that he did not understand its language. He supposed it was in an unknown tongue. He did not know what satisfaction to the people of Scotland could arise out of the proceedings of this commission. He supposed, that the results of this commission would be felt in Scotland about the same time that the good results of the appropriation principle would be understood in Ireland. By the way, he would take that occasion to ask the noble Lord what had become of the appropriation clause, about which so much had been said and contended last year? Had it vanished into thin air? Was the House to see no more of it? Did the noble Lord intend to advert to any better substitute which might be suggested by the noble Secretary for Ireland, or by the hon. Member for Kilkenny. He could warn the noble Lord, that the course he was pursuing would produce no satisfaction in Scotland. The Church of Scotland was aware, that it had nothing to hope from the Government of the noble Lord. He would ask the noble Lord, whether he thought the course he was pursuing, likely to increase or confirm the apprehensions entertained by the friends of the Established Church. The people of Scotland had no expectations from the present Government. He entreated the noble Lord to pause in his course, and not to be insensible to what was passing around him. A great re-action had already taken place in Scotland, of which the noble Lord must be aware. The right hon. Baronet the Member for Tamworth, had received at the hands of the youth of Scotland, the highest compliment which it was in their power to bestow. A distinguished and eminent noble and learned Lord had also received a high compliment and a gratifying honour from the University of Aberdeen. They had another instance of re-action in the rejection of the Ministerial candidate for Ross-shire. The noble Lord ought not to close his eyes to the re-action that was going on. The noble Lord might increase commissions, he might add job to job, but he never could persuade the moral, religious, and conscientious people of Scotland to violate their consciences. When he looked at the course pursued, with respect to the Established Churches of these countries, he could not see any reason to expect that the people of Scotland could view, with confidence, any act of the present Government towards their Church. If the noble Lord considered these assertions unjust, he would have an opportunity of vindicating himself. The noble Lord incurred a fearful responsibility by delay, for he had a far higher than man's frail tribunal to account to. He would, therefore, entreat the noble Lord, in the spirit of a true and exalted courage, not to shrink from the duty he had to perform, but to do it fearlessly. The hon. Member concluded, by apologising to the House, and expressing his determination to support the resolutions.

Mr. *Cutlar Fergusson* rose only in consequence of the opinions which the right hon. Baronet, the Member for Buteshire, had referred to as having been delivered by him on a former occasion. He would not now depart from those opinions, and he would not give the vote he intended to give that night, if he thought it had any tendency to check the extension of the principles, or in any way against the interests, of the Established Church of Scotland; more particularly as he considered that establishment entitled to ask for relief at the hands of the Legislature. On the present occasion, however, he could not concur in the resolutions of the right hon. Baronet, as he had already agreed to an inquiry which was not yet terminated, and he could not consent to act on a partial investigation. It was particularly to be considered that there was one part of the inquiry that had not yet been touched upon—he referred to those funds which the Church of Scotland itself possessed. It was to be observed, that the money was not to be drawn from churchmen of Scotland, but from the Dissenters of England, of Ireland, and of Scotland; and he thought the grant could not properly be made until the Church of Scotland had shown that it had exhausted its own means—it must show a case of absolute necessity, and this it had not yet shown. Another view in which he regarded the matter was this, that the case should apply to the whole of Scotland, for how did they know that in relieving Edinburgh they should have enough to supply the proportionate wants of the other parts of Scotland; the Highlands for instance, they had a right to know the amount of funds that could be applied to the relief of the Scotch Church. He did not think that any great delay would take place if they waited until the whole subject was before them. The Commissioners had worked day and night, and there had been no delay on their parts in completing the inquiry, nor was there any on the part of Government. He must say, that until he knew what the wants of the people of Scotland really were, he was not prepared to deal with the subject, though he should be most ready to meet it when the whole case was before the House; and he did not think that it would be long, as the inquiry was then far advanced, before the Commissioners made a general report. In that opinion, and thinking that nothing but disappointment could ensue from pushing the House to a decision before the facts were before it, he should vote against the resolutions of the right hon. Baronet.

Mr. *Hume* had listened with great plea- to the speech which the hon. Member for Cockermouth had delivered, to the great satisfaction of the House. Whether the hon. Member for Inverness was to be classed with the drones or the hypocrites he could not say. [" Order," " Chair."]

The *Speaker* said, that the hon. Member for Middlesex owed the House an explanation of the words he had used.

Mr. *Hume* was not aware that he had said any thing contrary to the rules of the House. When he saw hon. Members in that House, or in any other assembly, claiming for themselves alone any regard to religion, and pronouncing his Majesty's Ministers to be insensible to it, and denouncing him and them, and all who agreed with them, he must say, that such persons arrogated to themselves a purity of character they did not deserve. He must judge of them by their acts, as well as by their words, and when he looked at the sway they had formerly exercised in that House, he conceived them to be the last persons who should complain of the destitution of the Scotch Church, when they might so easily have given it whatever assistance that House could afford. The present motion was, in fact, only a party effort to annoy his Majesty's Ministers, and to stop the progress of reform. He was surprised at the right hon. Baronet, the Member for Tamworth, who always objected to proceed in any matter until full inquiry had been made concerning it. He agreed with the right hon. Member for Tamworth, that a moral change had taken place in the condition of the people of Scotland, which he attributed to the altered character of the clergy, who did not, as formerly, attend to their clerical duties, and the education of their neighbourhood had declined in proportion. It appeared to him, that instead of calling for endowments, they ought rather to propose some remedy which would apply to all, and nothing but a good system of education would restore them to the station they had formerly held, when they were, as the right hon. Baronet had said, an example to the rest of Europe. He had heard with great regret the speech of the right hon. Gentleman who had preceded him, who had said that he was willing to add to the endowments of the church. He would entreat the House not to lend itself to such a proceeding as a demand for funds without making out a previous case of necessity.

Mr. *Andrew Johnston* felt both surprised and grieved at the speech of the hon. Member for Cockermouth, for it was anything but calculated to give pleasure to the Scottish Members. Entirely unconnected as he was with the right hon. Baronet who brought forward these resolutions, he could freely and fairly say, that in his opinion the Church of Scotland was deeply indebted to him. And when it was considered that that right hon. Member had for ten years been the first law officer of the Crown in Scotland, he was also of opinion, that to no hands could the case of the Church of that country be more safely or more properly intrusted. He did not think the Church of Scotland fairly treated on this occasion. When the Committee of the General Assembly made certain proposals to the noble Lord—that they would build a large number of churches if he would endow them—he thought it argued no great zeal in the cause of religion, for the Government to decline the offer. The noble Lord on a former occasion had said, that it would be the duty of the Commissioners to report on the paramount cases of necessity first; the noble Lord was now satisfied. They had reported the case of Edinburgh, and showed that in that city there were 20,000 persons destitute of the means of religious instruction. What more did he want? But it was aid the case was incomplete. All the right hon. Baronet's resolutions asked was, that it should be taken into consideration.

Was that too much? If the noble Lord acceded to that reasonable request all would be made plain and clear in a few days. The hon. Member for Cockermouth had charged the clergy of the Church of Scotland with a political bias. Now he was not there to defend them—they did not need his defence. He would let their own characters speak for them, and point merely to what they had done for the people of Scotland as the best refutation of that charge. He hoped that the House would adopt the resolutions.

Mr. *Dunlop* said, that Scotland owed a large debt of gratitude to his Majesty's Ministers for their conduct on the question at issue. The Dissenters of that country felt the greatest reluctance to give any grant to the Church of Scotland, and the result of the resolution of the right hon. Baronet would be the production of bad feeling between the Dissenters and the members of the Church of Scotland. If, however, the whole case of the Church were fully stated, and the destitution complained of satisfactorily proved, he did not believe that the Dissenters would offer any opposition to whatever amount of grant might be deemed necessary to relieve it. But while the whole claim put forward was for the capital of the country alone, he thought his Majesty's Ministers would be very ill-advised indeed to admit it. He could understand why hon. Members opposite wished to cause a rupture between the Dissenters and the Church of Scotland; it was to further their own political purposes. The only question at issue, in point of fact, was, whether the people of Scotland should be called on to contribute to the necessities of the Church before all its wants were made apparent. He should oppose the resolutions.

Mr. *Walter Campbell* expressed his grief that the question should be made a party one at all, or treated in any way as a political question. No man felt more warmly for the interests of the Church of Scotland than he did; but he could not, notwithstanding, support the resolutions of the right hon. Baronet. It was true enough, that there was a population of 55,000 destitute souls in Edinburgh, without the means of religious instruction; but the same destitution existed elsewhere as well as in Edinburgh. In his Mr. Campbell's) county there were two parishes, measuring sixty miles long by eighteen broad, and yet they had only one church and one clergyman between them. Under these circumstances, he was of opinion, that the whole state of the country, rather than that of an isolated portion of it, should be taken into the calculation before any relief were administered. He hoped the right hon. Baronet would withdraw his motion, and not press it to a division; because, if he did, he would do more injury to the Established Church in Scotland than all the efforts of her enemies could accomplish. He (Mr. Campbell) should not support the resolutions of the right hon. Baronet; but if the whole case of Scotland were made out, and all the funds of the Kirk were proved to be exhausted, he should then have no hesitation to vote anything necessary.

The House divided on the original motion to read the first Order of the Day:—Ayes 217; Noes 176:—Majority 41.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Angerstein, J.
Anson, Colonel
Anson, Sir G.
Bagshaw, J.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H.
Barry, G. S.
Belfast, Earl of
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Biddulph, R.
Blake, M. J.
Blunt, Sir C.
Bodkin, J.
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burdon, W.
Burton, H.
Butler, hon. P.
Byng, G.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chapman, M. L.
Chetwynd, Captain
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Crawford, W. S.
Crawley, S.
Curteis, H. B.
Dalmeny, Lord
Denison, J.
Denistoun, A.
D'Eyncourt, C. T.
Dillwyn, L. W.
Donkin, Sir R.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Elphinstone, H.
Evans, G.
Ewart, W.
Fielden, J.
Fenton, J.
Fergus, J.
Ferguson, R.
Fergusson, R. C.
Fitzroy, Lord C.

Fitzsimon, C.
Fleetwood, P. H.
Folkes, Sir W.
Fort, J.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G., bart.
Grote, G.
Guest, J.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L., bart
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Holland, E.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutt, W.
Jephson, C. D. O.
Jervis, J.
King, Edward B.
Labouchere, H.
Lee, J. L.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mangles, J.
Marshall, W.
Marsland, H.
Martin, T.
Maule, hon. F.
Milton, Viscount
Morpeth, Viscount
Morrison, J.
Mullins, F. W.
Murray, J. A.
Musgrave, Sir R., bt.
Nagle, Sir R.
North, F.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.

Oliphant, L.
Ord, W. H.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P.
Pattison, J.
Pease, J.
Pechell, Captain R.
Pendarves, E. W.
Philips, M.
Pinney, W.
Ponsonby, J.
Power, J.
Poyntz, W. S.
Price, Sir R.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Rice, right hon. T. S.
Rippon, C.
Robinson, G. R.
Roche, D.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Ruthven, E.
Scott, J. W.
Seymour, Lord
Smith, J. A.
Smith, R. V.
Stanley, W. O.
Stewart, P. M.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Talbot J. H.
Talfourd, Serjeant
Tancred, W. H.
Thomson, C. P.
Thompson, P. B.
Thompson, Colonel
Thornley, T.
Tooke, W.
Townley, R. G.
Trelawney, Sir W. L.
Tulk, C. A.
Turner, W.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Whalley, Sir S.
White, S.
Wigney, I. N.
Wibraham, G.
Wilks, J.

Williams, W.
Williamson, Sir H.
Wood, Ald.
Worsley, Lord
Woulfe, Sergeant

Wyse, T.
Young, G. F.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Agnew, Sir A.
Arbuthnott, hon. H.
Ashley, Viscount
Bagot, hon. W.
Bailey, J.
Balfour, T.
Barclay, C.
Baring, F.
Baring, W. B.
Baring, T.
Bateson, Sir R.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, W.
Bonham, R. F.
Borthwick, P.
Bramston, T. W.
Bruen, Colonel
Burrell, Sir C. M.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Castlereagh, Viscount
Chandos, Marquess
Chaplin, Colonel
Chichester, A.
Chisholm, A.
Clive, Viscount
Codrington, C. W.
Cole, A. H.
Cole, Viscount
Compton, H. C.
Conolly, E. M.
Copeland, W. T.
Corbett, T.
Corry, H.
Crewe, Sir G.
Dalbiac, Sir C.
Darlington, Earl of
Dick, Q.
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Elley, Sir J.
Elwes, J.
Fector, J. M.
Ferguson, Sir R. A.
Ferguson, G.
Finch, G.
Fitzroy, H.
Foley, E. T.
Follett, Sir W.

Forbes, W.
Forster, C. S.
Fox, Lieut. Colonel
Fremantle, Sir T. W.
Gaskell, James Milnes
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goodricke, Sir F.
Gordon, hon. W.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, H.
Hanmer, Sir J.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hogg, J. W.
Hope, hon. J.
Hotham, Lord
Houston, G.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
Jermyn, Earl
Johnstone, J. J. H.
Johnston, A.
Jones, T.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, A.
Lefroy, T.
Lincoln, Earl of
Longfield, R.
Lowther, Col. H. C.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Mahon, Viscount
Manners, Lord C.
Maunsel T. P.
Maxwell, H.
Miles, W.
Miller, W. H.
Mordaunt, Sir J., bt.

Neeld, J.
O'Neil, Gen.
Ossulston, Lord
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, right hon. Sir R.
Peel, Colonel, J.
Peel, W. Y.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J., bart.
Pollock, Sir F.
Praed, W. M.
Price, S. G.
Pringle, A.
Rae, Sir W. bart.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Ross, C.
Rushbrooke, Col.
Ryle, J.
Sandon, Viscount
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Smith, T. A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Thomas, Col.
Thompson, Ald.
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Walpole, Lord
Walter, J.
Welby, G. E.
West, J. B.
Whitmore, T. C.
Williams, T. P.
Wodehouse, E.
Wortley, J. S.
Young, J.
Young, Sir W.

TELLERS.

Bruce, C.
Clerk, Sir G.

SUPPLY.] The House went into a Committee of Supply,

It was proposed to grant to his Majesty a sum not exceeding 24,617,000*l.* for the payment of outstanding Exchequer bills.

Mr. *Hume* thought the Committee ought to adjourn the consideration of this motion until the 9th of June. When the other House stopped the progress of reform, when they unnecessarily impeded legislation with that view, he submitted to that House whether it was right in them to part with a single shilling of the public money? When it was considered that it was past midnight, and especially after what had occurred elsewhere, he thought he should only be acting consistently—for there was nothing like the two Houses of Parliament agreeing—if he moved, as an amendment, that the debate on the grant be adjourned to the 9th of June.

The *Chancellor of the Exchequer* said, the vote did not go to incur any new charge, but merely to enable Government to effect the ordinary exchange of Exchequer bills; and if the hon. Member's proposition was agreed to, such an exchange could not take place; and the effect would be very greatly to embarrass the public business.

Vote agreed to, House resumed.

TITHES (IRELAND.)] On the motion that the report on the tithe resolution be taken into consideration,

Mr. *Sharman Crawford* intimated his intention to move that the consideration of the report be postponed till the 10th of June.

Lord *John Russell* trusted, that the House would not sanction such a course. If the hon. Gentleman, desired it, he had no doubt that his noble Friend would consent to postpone the second reading of the Bill till the 9th of June.

Mr. *Sharman Crawford* would oppose proceeding with the report that evening.

Mr. *C. Hindley* moved, that the House do adjourn.

The House divided: Ayes 12; Noes 128:—Majority 116.

Question again put.

Mr. *Sharman Crawford* meant to divide the House in opposition to the motion of the noble Lord.

The House divided on the original motion: Ayes 126; Noes 7:—Majority 119.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Agnew, Sir A.
Angerstein, J.
Baines, E.
Bannerman, A.
Baring, W. B.
Barnard, E. G.
Bateson, Sir R.
Bellew, R. M.
Bellew, Sir P.
Bentinck, Lord W.
Bernal, R.
Blackburne, J.
Bowring, Dr.
Brotherton, J.
Bulwer, H. L.
Bulwer, E. L.
Canning, Sir S.
Chalmers, P.
Chaplin, Col.
Chichester, A.
Chisholm, A. W.
Clerk, Sir G.
Clive, E. B.
Cole, Viscount
Collins, W.
Corry, rt. hon. H.
Dalmeny, Lord
D'Eyncourt, rt. hon. C. T.
Dunbar, G.
Dundas, J.
Egerton, Sir P.
Elphinstone, H.
Etwall, R.
Ewart, W.
Ferguson, R. A.
Finch, G.
Fitzroy, Lord
Fleetwood, P.
Forbes, Wm.
Forster, C. S.
Fremantle, T.
Gaskell, J. Milnes
Gladstone, W. E.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Grote, G.
Halford, H.
Hamilton, G. A.
Hawes, B.
Heathcote, J.
Hector, C. J.
Herries, J. C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hoskins, K.
Hume, J.
Jackson, Sergeant
Ingham, R.
Irton, Samuel
Knight, H. G.
Knightley, Sir C.
Labouchere, H.
Law, hon. C. E.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Loch, J.
Maclean, D.
Maher, John
Maule, hon. F.
Maxwell, H.
Morpeth, Viscount
Mullins, F. W.

Murray, hon. J. A.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Oliphant, Lawrence
Packe, C. W.
Palmerston, Visct.
Parrott, J.
Parry, Sir L. P. J.
Pease, J.
Peel, rt. hon. Sir R.
Perceval, Colonel
Pinney, W.
Plumptre, J. P.
Power, James
Pryme, G.
Pryse, Pryse
Rae, Sir W.
Rice, rt. hon. T. S
Ross, Charles
Rushbrooke, R.
Russell, Lord John
Sandon, Viscount
Shaw, F.
Sheppard, T.
Sinclair, Sir G.
Stanley, Lord
Stanley, W. O.
Steuart, R.
Thomson, C. P.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Vesey, hon. Thomas
Wakley, T.
Wallace, R.
Walter, J.
West, J. B.
Westenra, H. R.
White, Samuel
Wilbraham, G.
Williams, W.
Wodehouse, E.
Worsley, Lord
Wortley, J. S.
Woulfe, Sergeant
Young, J.

TELLERS.

Seymour, Lord
Baring, F.

List of the NOES.

Blake, Martin J.
Bodkin, J.
Brady, D. C.
Butler, hon. P.
Fector, J. M.
Hindley, C.
Trevor, hon. A.

TELLERS.

Crawford, W. S.
Ruthven, E.

Resolution agreed to. Bill to be brought in.

POST-OFFICE.] The House went into Committee on the Post-office Bills.

Mr. *Aglionby* proposed a clause to the effect, that marks made in newspapers for the sole purpose of directing attention to any particular paragraph, shall not subject the paper to the duties of postage, nor the sender or deliverer to any penalty.

The Chancellor of the Exchequer opposed the motion.

The Committee divided on the clause: Ayes 12; Noes 28:—Majority 16.

List of the AYES.

Forbes, W.
Gaskell, Jas. Milues
Hawes, B.
Hume, J.
Ingham, R.
O'Brien, W. S.
Pease, J.
Rushbrooke, Col.
Sibthorp, Col.
Thompson, Colonel
Trevor, hon. A.
Wakley, T.

TELLERS.

Aglionby, H. A.
Wallace, Robert

List of the NOES.

Adam, Sir C.
Agnew, Sir A.
Angerstein, J.
Bannerman, A.
Blake, M. J.
Brotherton, J.
Cole, Viscount
Egerton, Sir P.
Ferguson, Sir R. A.
Finch, G.
Forster, C. S.
Gordon, R.
Hoskins, K.
Knight, H. G.
Labouchere, hon. H.
Loch, J.
Morpeth, Viscount
Murray, hon. J. A.
O Conor Don
Palmerston, Visct.
Power, James
Pryme, George
Rice, rt. hon. T. S.
Ruthven, E.
Seymour, Lord
Steuart, R.
Warburton, H.
Woulfe, Sergeant

TELLERS.

Baring, —
Maule, hon. F.

Bill went through Committee. The House resumed.

HOUSE OF LORDS,

Monday, May 8, 1837.

MINUTES.] Petitions presented. By Lord COLCHESTER and other noble LORDS, from various places, against the Ministerial plan for the abolition of Church-rates.—By Lords SEGRAVE and ELLENBOROUGH, from Tewksbury, for and against the aqolition of Church-rates.—By the Archbishop of CANTERBURY and the Bishop of LONDON, from various places, for the better observance of the Sabbath.

STATUTES OF THE SEVERAL COLLEGES AND HALLS OF OXFORD AND CAMBRIDGE.] The Earl of *Radnor* rose, pursuant to notice, to move that "a Committee be appointed to inquire into the state of such of the several colleges and halls in the Universities of Oxford and Cambridge as have statutes enjoined by their respective founders and benefactors, in so far as relates to the provisions of the said statutes and the practice relative thereto, the oaths by which the members of the institution are bound to obey the same, and the power which may be vested in their respective visitors or others to alter, modify, and amend them, and to report to the House their opinion of the expediency or necessity of a legislative measure on the subject." On a former occasion, when moving the second reading of a Bill for appointing a Commission to make similar inquiries, the principal argument urged against the proposal was, that previous investigation should precede the adoption of any legislative measure on the subject. He still thought a Commission the best means of attaining the end; and he had now to propose, as appeared to him, the next best mode of acquiring the requisite information. In the various petitions which had been presented from the different colleges, considerable reluctance was expressed to the admission of any inquiry, some declaring a decided opposition to it, and others that they would positively resist any measure which might be adopted by the Legislature on the subject. It therefore appeared to him, that the mode he proposed at first for the interposition of the Legislature would much more effectually serve his object than the course he now recommended as the next best. It had been imputed to him, in the course of the debate which took place on that occasion, he must be allowed to say very groundlessly, that he had some ulterior object in view, such as throwing open the universities to Dissenters—a very desirable object, no doubt, and, in his view, likely to be to the advantage of the Universities themselves, while it was only an act of justice to the Dissenters. But although he was, and always had been, favourable to that object—although he believed the Universities never would give satisfaction to the public until that object was attained, the proposition he now made had no such tendency, further than as it rendered apparent the wisdom and propriety of such a measure. The motion he had to submit, comprised three objects—the provisions of the statutes and the practice relative thereto, the oaths by which the different members were bound to obey them, and the powers vested in visitors or others to alter, modify, or amend them. What principally offended him was in connexion with the oaths by which the members of those colleges were solemnly sworn to observe the statutes, although many of them were totally inapplicable to the present time, others absurd, and impossible to be carried into execution. That of itself, he thought, was sufficient ground for some legislative measure upon this subject. The two Universities had the monopoly of the education of all in the higher classes of society, and almost of all who were intended for the Church; was it not highly objectionable, then, that the members of these colleges should continue liable to the imputation of taking oaths which they did not and could not mean to observe, thus treating, in a light and most irreverend manner, the most solemn of all obligations? He maintained, it would be most becoming and advisable to put an end to a state of things so anomalous and so injurious. Some of the colleges were founded so long ago as 500 or 600 years, and they were all bound by the statutes enacted at that time. Some of them stated in so many words that they were not only bound by those statutes, but they were bound to resist any modification or alteration of those statutes. This was insisted by New College, Oxford, and King's College, Cambridge; others stated that it was competent for them to make alterations in the statutes through their visitor. He contended, if they had the power, they ought to exercise it; and if they were unwilling, it was incumbent on the Legislature itself to interfere. He had already, on a former occasion, enumerated various instances, and he could now enumerate divers others, in which things were enjoined by the statute, the observance of which, if possible, would be ridiculous, and which were, nevertheless, held as binding in the literal and grammatical sense of the words. In fact, it was agreed upon all hands, that these statutes were not complied with, while, by the statutes of Trinity, if the fellows did not observe the statutes, it was affirmed they should be guilty of perjury. That was a most indecorous and indecent state of things. He did not go the length of saying that every person who took those oaths, which it was well known could not be observed, had perjured themselves; but others felt it, and he himself knew of a young man, not long ago, throwing up his scholarship, because he felt it would be impossible for him to execute all that was imposed on him by the statutes. A learned professor of the University of Oxford had written a letter to him, which had been published in the newspapers, in which he declared, that "the charge brought against those who had signed the statutes, under whatever name it might be disguised, could not be less than perjury." Now, although he did not impute perjury to any gentlemen for disobeying statutes they had sworn to observe, if they chose to appropriate to themselves the charge of perjury, he had no fault to find with it, but still it would be most indecent that such an irreverend and absurd state of things should longer be allowed to remain. He would beg leave, however, while on this point, to refer to what Dr. Paley had written upon oaths. In his chapter on Oaths to Observe Local Statutes he says, "Members of colleges in the Universities, and of other ancient foundations, are required to swear to the observance of their respective statutes; which observance is become, in some cases, unlawful, in others impracticable, in others useless, in others inconvenient. Unlawful directions are countermanded by the authority which made them unlawful. Impracticable directions are dispensed with by the necessity of the case." Now, what was to be said of those persons who knew that what they swore to do was either unlawful or impracticable? If a person swore to do that which was lawful at the time, but which the Legislature afterwards declared unlawful, he was absolved from his oath. If a person swore to do that which he believed practicable, but which turned out to be impracticable, he was absolved from his oath. But a person who swore to do what he knew was unlawful and impracticable took a false oath, and Paley's provisions did not cover the case. Paley then went on:—"The only question is, how far the members of these societies may take upon themselves to judge of the inconveniency of any particular direction, and make that a reason for laying aside the observations on it." Now, that was the point. The persons in question found the statutes which they had sworn to obey inconvenient; and then, without making any sacrifice whatever on their own part, they abstained from obeying them. The *animus imponentis*, which is the measure of the juror's duty, seems to be satisfied when nothing is omitted but what, from some change in the circumstances under which it was prescribed, it may fairly be presumed that the founder himself would have dispensed with. To bring a case within this rule, the inconveniency must be manifest, concerning which there is no doubt?" Now, the inconveniency might in many cases be manifest; in others not. For instance, residence: surely that was manifest, and concerning which there could be no doubt. A few lines after, Paley said—"the direction of the statute must not only be inconvenient in the general (for so may the institution itself be), but prejudicial to the particular end proposed by the institution: for it is this last circumstance which proves that the founder would have dispensed with it in pursuance of his own purpose." But could it be doubted that most of those founders did what was apt for their own purposes? The general object of the founders (whether a wise object or not he would not say) was to have a seminary of education in which young men might study the higher branches of learning, and for that purpose they considered residence necessary, not inconvenient. On those grounds, therefore, although he would not call what was constantly taking place at the Universities perjury, he would not say it was something which could not be defended; and of which the individuals implicated, if they were sensible of the nature of the obligation which they had entered into, would rejoice to get rid. A right rev. Prelate had written a book on the subject, in which he dwelt on the propriety of attending to the will of the founders. In a treatise lately published by the master of Trinity College, Cambridge, the same propriety had been enforced. But let their Lordships' consider what had been the real will of most of these founders. When, on a recent occasion, he had maintained that most of these foundations had been laid for the benefit of poor scholars, the fact had been denied; and when he had expressly shown that they were intended for *pauperes et indigentes*, he was told that that expression meant something else. The noble Lord here referred to several of the statutes to show that the stipends were so small that it was impossible that the founders could have contemplated the admission of any but persons of poor condition. He knew that great anger had been excited in several quarters by his recent statement to the same effect. In a judgment given by Lord Chief Justice Holt, that eminent judge said, "There is no manner of difference between a college and a hospital; in the one poor, low, mean, sickly persons are received for medical aid; in the other low and indigent persons are received to be bred up and educated. Both are eleemosynary institutions." That was, both were supported by charity. In the year 1550, Thomas Neven, a fellow of St. John's College, complaining of the declining state of the college, attributed it in a great measure to a hundred students who had rich friends having crept into the college and driven poor students from their rightful situations. The latter were at that time content at dinner to share a penny piece of beef among four of them, with the addition of some oatmeal and water. Their supper was not much better. And at night, being without fires, they were fain to run up and down their rooms for an hour, in order to get warm before they went to bed. Surely those were *pauperes et indigentes*. The noble Earl then quoted another authority to prove many of the colleges were not intended by the founders as places of study for the sons of rich men, but the greater part of them, on the contrary, were instituted for the use of poor persons. St. John's College in particular was not intended for persons of high condition, and in Trinity College only a few persons of that description, styled "pensionarii," were, by the order of the founder, to be admitted. The number was limited in Trinity College to sixty-four persons at the utmost. No fellow was to have more than one pensioner, and the senior master not more than four. The same was the case in St. John's where the number of pensioners to be admitted was sixty-eight. These instances proved that the colleges were not intended as places of resort for independent persons, but chiefly for those inclined to study. Another provision of the founders in many of the colleges was, that there should be a pretty constant residence, and that the business of the college should not be interrupted even during the long vacation. But it was said these colleges were private institutions—that they received nothing from the State, and that, therefore, the State had nothing to do with them. These colleges, however, were all corporate bodies—they had received charters, and, therefore, could no longer be considered as private bodies. It had been said the colleges could correct abuses and amend the statutes themselves. Now, he doubted that much, and even some of the colleges acknowledged the fact that they had not power to alter the statutes. But if they had the power they certainly had not the inclination, for hitherto little had been done. It was said the Universities had greatly improved. Some improvement certainly might have taken place lately, but it could not he denied that they stood very low except as regarded certain sciences, and that particularly applied to one college at Cambridge. At Oxford the colleges stood very low, both in logical knowledge and science; and the reason probably was, that those best qualified to teach the students either left early or remained from party connexions. He wished also to state to the House that some of the colleges had admitted, that some alteration was necessary, and the senior master and fellows in Trinity College had come to a resolution to petition his Majesty to enable them to make the statutes more congenial with the state of science and learning at the present day. If there were any such feeling at Oxford, he believed it had been stirred up by the discussions which had taken place in the House; and perhaps they would be the better for a little more stirring up. He did not want to make any accusations against rhe Universities, and he wished to speak of them with the greatest moderation. His only object was inquiry, in order to see how matters stood. The noble Earl concluded by moving for the appointment of a Select Committee to inquire into the practice and statutes of the different colleges and halls in the two Universities—whether they were bound or not by oaths—whether the governing body had the power of altering or qualifying the statutes; and to report to the House whether any legislative measure was necessary to enable the governing body to make alterations and amendments.

The Duke of *Wellington* said, perhaps it was impossible for the noble Lord to make this motion without adverting to the debate which took place in that House a few nights ago, upon the subject of a similar motion, for leave to bring in a Bill which had the same object in view; but he confessed that he should have wished entirely to avoid the topics of that discussion, because it was his sincere wish to adopt a conciliatory tone upon this occasion, and to say nothing that could provoke any further debate, but, on the contrary, to bring this question to a settlement which would be satisfactory to the whole House. He could not now, however, avoid adverting to some of the topics of the noble Lord, who had remarked upon something that fell from him on a former occasion. He confessed, that on that occasion he did not see any ground for the motion of the noble Lord for the second reading of the Bill which he proposed, and in stating that he then adverted to the conduct of the noble Lord on a former occasion, on which he moved for a Bill to facilitate the introduction of Dissenters into the Universities, as pointing out the very object of the Bill which he proposed on the latter occasion. He certainly had not intended to cast any imputation on the noble Earl, who had now fairly stated his opinion that greater facilities ought to be given for the introduction of Dissenters into the universities than at present existed. And what he said on a former occasion was no more than that the conduct of the noble Lord indicated that such was his object, and the object of the Bill. The noble Earl had alluded to an admission made by a right rev. Prelate, that there was a necessity for an inquiry into the state of the Universitie, although it should not be made by a commission appointed under an Act of Parliament. He thought that the noble Earl had fallen into a mistake, and that what the right rev. Prelate contended was, that there ought to be inquiries instituted, but he did not think he said those inquiries ought to be made by a Committee of that House. The noble Earl had founded his present motion on pretty nearly the same grounds as those on which he rested the former one. He had stated, that there existed in the Universities various obsolete useless statutes, which had become impracticable on account of the length of time which had passed since they were framed. But he also stated, that the members of the various colleges of these universities were sworn to the observance of those statutes, and yet did not observe them. He wished the noble Earl had examined the subject a little further before, with his weight and authority, he had made such charges against those persons. He was bound to say, in respect to some of those charges, the acts which those persons were accused of, that many of those statutes had become illegal, and therefore not binding. All those which related to Roman Catholics could not be carried into execution, even according to the confession of the noble Lord. Others had become entirely obsolete, and others impracticable in the present times. But was it, therefore, to be said that those persons were guilty of perjury. [The Earl of *Radnor:* I have not said that they were.] Was it just to insinuate that they might be guilty of perjury? The noble Earl ought first to inquire whether there was any power in the governing body of the colleges to dispense with their statutes, or with the oaths appended to them. Then, when the noble Earl came to a particular point—namely, the admission of scholars in the foundation of those colleges, and spoke of the absolute necessity of their being *pauperes*, he contended that it was entirely out of the question. Those scholars were quite a different class of persons from the independent members; they were, in general, persons, he would not say such as came under the class understood by the term "paupers" in the present day, but of the middle class of life; and as gentlemen were now admitted into the Universities at an advanced time of life, or were not exactly children of eleven or twelve years of age, as in former times, of course they must have been to a certain degree instructed, and were, in all probability, not in that extreme situation of poverty which would bring them under the description so frequently stated by the noble Lord, *pauperes* and *valde pauperes.* It did not always follow that persons should be admitted on account of their poverty, because there were other qualifications required—namely, a certain proficiency in study, and they must undergo an examination before they were received. It was not so with the independent members of the body. They were received according to the rules of the establishment, modified from time to time by the governing body, or by the visitors having power to make such modifications. On a former occasion the noble Earl and a noble and learned Lord adverted at great length to the College of all Souls, relative to the nomination to scholarships by noble families. There was scarcely a noble family in England that was not of kin to the founder of All Souls. Supposing that he had left the property among twenty-six of his own relations, could the law of England take it from them. Most of the right rev. Bishops on the Bench, some of their Lordships, and many gentlemen in his Majesty's service, had been fellows of All Souls. He did not see that there could be a more advantageous disposition of the property of those establishments, nor could he see why the question of the disposition of the property should be entertained at present, or that motion for inquiry into it should be brought forward. Another great objection started by the noble Lord was against the non-residence of fellows in these colleges. He believed that non-residence was permitted by the founders to a certain extent, and that the visitors had the power of permitting non-residence in many instances. He imagined that in every one of the instances alluded to by the noble Lord it would be found that no statute had been violated. He spoke on the authority of those who had the means of knowing all the facts, and he had a distinct answer to every one of the cases adverted to by the noble Earl. With respect to one statement—namely, that the chief fellow of Brasenose College held a living, and absented himself from college—this case was taken into consideration by the governing body, and it was decided by them and the visitor that no such occurrence should again take place. To all the other statements he had a clear and distinct answer, but he did not think it necessary to enter into all those particulars. He would pass on to the subject of the vote to which the House would come that night. It was truly stated by the noble Earl, that a right rev. Prelate, and other persons connected with Trinity College, Cambridge, were of opinion that some inquiry should be made into this subject, and that some measure should be adopted to obtain a remedy for those evils which really existed, which evils arose out of the existence of obsolete and impracticable statutes, which were not only useless but injurious. He admitted, that he was one of those who had long been of opinion that some amelioration should be made, and very shortly after he became Chancellor of the University of Oxford he had a correspondence with the governing body on that subject, and recommended them to take into consideration the circumstances in which they were placed, and to adopt such ameliorations as might be considered safe and necessary. He believed they had that subject under their consideration, and he was authorised to say, that they were on the road towards making those inquiries and those ameliorations which the noble Lord had so strongly urged on the House. The colleges in the University of Cambridge, he believed, were directing their attention to the same subject. The noble Lord had mentioned what Trinity College had done. That was the usual mode of proceeding, because his Majesty was visitor of that college, and therefore it was proper for them to apply to the King for permission to make any alterations which they contemplated. If, then, there existed a disposition among the colleges of both Universities to make such alterations as were required, was it the duty of that House to act on such statements as had been made to their Lordships, and which he averred, if not totally devoid of foundation, were so in respect to the principal particulars? Was it not rather the duty of their Lordships to pause a while, and give time to the colleges and universities to exercise that consideration and power which they were disposed to do, before their Lordships proceeded to inquire into their affairs, and with a violent hand to make alterations which might not only not be necessary, but productive of no good effect, and, perhaps, of much mischief? Suppose the noble Lord should be able to prove that there had been a breach of a statute in any particular college—for instance, that Latin ought to have been taught in hall, but had not been so taught; or something even more important than that had been neglected—was it desirable to bring the particular college in which such fault had been committed before their Lordships? Did it not occur to the noble Lord that the consequence of such a proceeding might be the forfeiture of the property and all the advantages resulting at the present moment to the public from the existence of that college? He believed, however, that there could not be found any ground for presuming, that breaches of statutes had been so extensive or serious as would seem to be implied by the speech of the noble Earl. Would he have them recur to the old system of admitting fellows and scholars? The noble Lord had been pleased to say that our colleges were no longer seats of learning. He thought the noble Lord must have forgotten a little what he saw around him; he must have forgotten such men as Dr. Buckland and others. Considering that the Universities were prepared to make all the inquiries that were necessary, and all the alterations which it would be in the power of Parliament to make, he thought it would become the House to pause before it adopted a course which might injure the Universities, and which would throw impediments in the way of those ameliorations which it was the decided intention of those bodies to introduce. He had taken the opportunity of offering these observations to their Lordships immediately after the speech of the noble Earl, with a view of inducing their Lordships to pause before they agreed to the proposed resolution; and he would conclude by expressing a hope that the answer he had given to the statements which the noble Lord had thought proper to make, had satisfactorily proved to their Lordships that they ought to negative the proposition of the noble Earl.

The Marquess of *Camden* felt himself authorised to say that the greater portion of the colleges were willing and desirous of entering upon the consideration of this question, with a view to its satisfactory adjustment. They possessed the power, through the instrumentality of the visitors of remedying any defects that might be found to exist, and under such circumstances he was sure their Lordships would not accede to the proposition of the noble Earl, inasmuch as it was quite unnecessary. With respect to an imputation which had been cast upon Trinity College, respecting the misapplication of funds, it was totally groundless. As to non-residence, he contended, that so far as it was occasioned by leave of absence to certain fellows, great advantage was derived from it. In the taking of oaths he admitted, particularly as regarded young men just entering the Universities, there was an impropriety which ought to be got rid of, but believing that the Universities were most anxious to remedy it, he should vote against the motion of the noble Earl.

The Bishop of *Llandaff* said, that the noble Earl had frequently referred to an opinion expressed by him in that House respecting which he wished to say a few words. The noble Earl supposed it had been a suggestion of his—namely, that a Committee of that House ought to be appointed to inquire into the state of the Colleges. Now, that he declared was entirely and fundamentally a mistake. Noble Lords would recollect that he, on the contrary, had expressed himself averse to such a proceeding, as being criminatory and offensive, and insulting to the character of the Colleges. He had stated also that they should not subject them to this harassing and degrading process, upon a statement made by a single Member of that House, of insulated irregularities having occurred, he did not know how many years ago, in the two Universities. The inconvenience, trouble, and disgrace of such a proceeding could not have permitted him to entertain for a moment the idea of suggesting or advising it. He had, however, observed, that he was aware that something unsatisfactory had arisen out of the antiquated character of the statutes of the Colleges, which it would be desirable on all accounts to remedy, if possible; and he had also observed, that he felt disposed to concur with the noble Earl or any noble Lord in that House in the propriety of devising some means by which that object might be attained, without at the same time affecting the honour or character of the Universities, but making the measure one rather of relief than severity or censure. The noble Earl to-night as well as on a former occasion had enumerated various charges of misconduct, and amongst the rest, that of having violated the statutes of the several Colleges. Into the particulars of these charges it was impossible for them to enter, but of their *gravamen*, namely, that all the delinquencies which the noble Earl had enumerated were not only disreputable, but in direct violation of a positive oath, he felt bound to offer an opinion. The noble Earl had in a very solemn and impressive manner appealed to that Bench in particular to know if a sacred obligation was thus to be set at nought, and to that appeal he (the right rev. Prelate) felt bound, not only as a Member of the Episcopal Bench, but as having for three years presided over one of the Colleges of the Universities, to give a decided reply. He was aware, as all were, that these ancient statutes contained several provisions which were not applicable to the present time; these, however, were not expressed in so many specific words, but were interwoven in the whole texture of the statute. The question between them was this:—Persons were sworn to observe in general terms the principles of the statutes which they did observe in substance, and for all practical and useful purposes, and in such a manner, he felt convinced, as would meet with the sanction and approval of the founder, were it possible for him to return upon earth. With these were mixed up matters of inferior importance, which no one wished to see acted upon, which had been silently dropped, and which were now admitted to be obsolete. Such a state of things he admitted to be unsatisfactory and embarrassing, at the same time he hoped the noble Earl would agree with him that it involved nothing of a criminal nature. Allowance should be made for what was called by casuists the constructive sense of these statutes. There had taken place in them a virtually implied alteration; so that, he contended, under the existing system, there had been no breach of confidence, no prevarication with men's own consciences, no leaguing one with another, no mental reservation, nothing whatever of a clandestine nature. If the *animus imponentis* were ever justifiable, it was certainly in such a case as he had stated. The persons to whom these oaths, about which so much clamour had been raised some time ago, were administered, knew the sense in which they were administered, and took them in that sense. His own opinion was that they were useless, inasmuch as he considered that young men would, without taking them, pay the same deference and obedience to the rules which they imposed, but that they were violated, as had been stated, openly and consciously, he totally denied. If there was such a thing as the constructive interpretation of an oath, and that there was, had been admitted throughout society, and even in courts of justice, it was particularly justified by such circumstances as he had stated. Upon all accounts it was desirable that a remedy should originate with the Universities, especially as they had been assured that they were at present considering the question. He therefore hoped their Lordships would agree at least to postpone the further consideration of this measure until they should find what the result of those deliberations would be. If he thought that anything he could say were necessary to set right public opinion, he should have felt it his duty to enter more fully into the charges which the noble Earl had brought forward on a recent occasion, and had now pertinaciously repeated; but, he conceived that the character and reputation of the Universities formed a sufficient bulwark against these charges, and they needed no defence from him.

The Bishop of *Lincoln* did not think that any case had been made out to justify the adoption of the noble Earl's resolution, for although the statutes might not have been strictly observed, yet he felt perfectly satisfied that the substance of them, as well as the intention of the founders, had been adhered to. He would express a hope, however, that the colleges would adapt the statutes to the existing state of things. One great ground of his objection to the motion was, that it was made before petitions from the colleges called for any such change.

The Bishop of *Gloucester* denied that anything like perjury was committed by the taking of the oaths, for it was always understood that the infraction of most of the statutes would be visited by only a small pecuniary fine. For his own part, he should wish to see all unnecessary oaths abolished, and that the statutes should be altered so as to suit the changed circumstances of the times, but that this should be executed by the societies themselves in a legal and constitutional manner. With respect to the oaths, he repeated that there in every instance the consciences of young men had been left unforced and unfettered. The right rev. Prelate contended that no violation or abuse of their trust by any of those colleges had occurred; on the contrary, they consulted the good of the societies more than their own private interests, and he trusted their Lordships would think there was no ground for the extraneous interference proposed by the noble Earl. He did not know whether the noble Earl got any of his information from an old work which he had met with, and which was now 120 years old. It was a history of some of the colleges of Cambridge, by Edward Miller, sergeant-at-law. If ever there was a member of any college in either university who deserved to be held in general contempt and execration, it was that man, who for some abuse that he had received commenced proceedings against the head of his college, and afterwards, in conjunction with that head of the college, sold the interests of some of the fellows whose cause in an appeal to the crown he was engaged to manage, by a bargain the essence of which was money. He would, therefore caution the noble Earl against giving any weight to any charges made in that quarter.

The Archbishop of *Dublin* said, that many of the petitions which had been presented the other night from the colleges evinced a desire to remove every thing that might be objectionable if they had the power; but some colleges had not that power, however inconvenient the evil which it was desirable to remedy. Whatever remedial measures it might be judged proper to adopt, with reference to these colleges, he trusted that they would be suffered to originate from the colleges themselves. In this, at least, he trusted he should have the noble Earl's concurrence; but, for his part, he certainly should not say that he would refuse his assent to some other measure, if those who were connected with the Universities obstinately refused to come forward.

Lord *Brougham* had listened with attention to the speeches of the several right rev. Prelates who had successively addressed their lordships. The first of those right rev. Prelates appeared to have been the victim of his own ingenuity. He was sure that the right rev. Prelate had been betrayed by the warmth of his advocacy into laying down doctrine respecting the observance of an oath, which, if he reflected on the real tendency of that doctrine, he would be the first to disavow. From the constitutional doctrine which had been laid down by the second right rev. Prelate, he (Lord Brougham) would take leave equally to dissent as from the ethical doctrines of the former. He held that the Legislature was perfectly justified in interfering with these bodies. The construction of convenience which the third right rev. Prelate who spoke had put upon the statute requiring residence, he considered to be quite astounding, contradictory as it was to the plain and obvious meaning of the statute.

The Bishop of *Gloucester* said, that the masters of colleges had the power of recalling the fellows into residence whenever they pleased. The only oath which the fellows took was that of obedience. The masters were empowered to extend to the fellows the privileges of non-residence "*gravissima, urgentissima què causa.*"

Lord *Brougham* said, whether or not the fellows swore to observe the statutes, the authorities of the college did so swear. They swore not only to observe them, but to see to their observance; and yet in the very passage cited by the noble Lord the privilege of non-residence was evidently not permitted to be extended, unless in a case o extreme necessity. The wording of the statute was in the superlative degree. Non-residence might take place for a brief period, but surely it should not be perpetual. It had been said, that some of their statutes were impossible of observance. This might be true; but let not others be pronounced impossible which it was merely inconvenient or unpleasant to comply with. These statutes remained, in the eyes of all mankind, as the book of the university; and yet the law, of which they were the record, was known to be constantly broken. His noble Friend was only desirous to render their statutes more conformable to the convenience of the public at large. With regard to what had fallen from the noble Duke, and the noble Marquis, he should say, that the evils complained of were not confined to the universities, but extended to all the colleges. However disposed the Universities might be to make the desired alterations, some of the colleges did not possess that power; and in their case recourse must be had to the supreme power of Parliament. The question was, whether his noble Friend behind him would persevere with his motion, or allow the heads of the Universities to undertake the matter, and wait for the purpose of seeing how far they were disposed to go. He certainly had always entertained a great objection to leaving the reform of abuses in the hands of those against whom they were charged. But, for his part, he should feel disposed to give to the proposition of the noble Duke and the noble Marquis a fair trial.

Lord *Wynford* said, that modifications had already been introduced into the statutes by which some colleges were governed. In other colleges no change had taken place, because by the wording of the statutes the college authorities considered themselves not empowered to alter, but simply to expound. With regard to the observations which had been made upon the subject of non-residence, he would state that in a college at Oxford with which he happened to be acquainted, the president was empowered to give leave of absence to the fellows, "for the purpose of advancing themselves in life." Surely the noble and learned Lord would not contend that by this was meant non-residence for a brief period. He hoped that the noble Earl would withdraw his motion.

The Earl of *Winchilsea* said, that the object of the noble Earl would appear to be more easily attainable by an application to the Crown for a direction to the Lord Chancellor to inquire into the propriety of re-considering the University statutes. This would be the proper course, if nothing were meant of a nature unfriendly to the colleges. But he believed that, under the pretext of repealing obsolete statutes, the covert object was entertained of flinging down the barriers which had been errected at these Universities for ages past, and throwing them open to the Dissenters. He was by no means disposed to subscribe to the doctrine of the noble and learned Lord, that Parliament had the right to interfere with the property of the Universities in the absence of any petition from any college praying for inquiry. Parliament had, in his mind, no more right to interpose in this instance, than it had to interfere with his private property. There were some colleges at Cambridge in the statutes of which it was strongly recommended to the fellows to travel. In St. John's College there were certainly twelve or thirteen fellowships endowed for that purpose. He strongly objected to the idea of a Parliamentary Committee upon a subject like this, in the present conflicting state of the two Houses of Parliament; the one being anxious to maintain and encourage the growth of the established religion, and the other entertaining the opinion that religion was of little or no value to the State or to the country at large. He would conclude by giving his decided opposition to the motion.

The Earl of *Radnor* replied, and disclaimed the motives which had been imputed to him by the noble Earl who had just sat down. It now appeared, for the first time, to be admitted on all hands that something must be done upon this subject. He was quite ready to withdraw his motion, on the assurance of the noble Duke and the noble Marquis that the colleges were ready to make those changes which might be found necessary.

Motion withdrawn.

HOUSE OF COMMONS,
Monday, May 8, 1837.

BRIDLINGTON HARBOUR.] Mr. *Bethell* moved the second reading of the Bridlington Harbour Bill. It was to be considered simply as a continuation of one which had been granted from time to time, and its object was for the continuation of works already in progress. Though it appeared in the character of a private Bill, it was in reality a public one, as its object was to afford protection to the lives and property of all engaged in shipping. When the first Bill was granted, the parties considered that they had made a contract with the public, by which they engaged to provide a harbour of refuge on a dangerous coast, with the understanding that the public would support them in acquiring from the House any further powers that might be necessary for the completion of their object; but, above all, they considered they were engaged in the cause of humanity, and therefore entitled to support. The harbour having been undertaken with these objects, and a great part of the works having been completed, he trusted the House would grant the parties power to complete their undertaking, and thus afford additional security to life and property. He was not in favour of the general principle of passing tolls, and he stood up for the exception, not for the rule; but when the nature of the coast and the number of vessels daily passing along were taken into consideration, he was convinced the House would see the necessity of establishing a harbour of refuge to which vessels could run in case of danger. The promontory of Flamborough, which stretched five miles into the sea, formed, with another headland, a deep bay, in which Bridlington was situated, and in that bay not fewer than 300 vessels were at times collected for safety from the storms prevalent on the coast. But in case of distress there was no other harbour to which those vessels could run except Bridlington, and the average number which entered that port from distress was very great. He would particularly refer to the case of a large vessel, of upwards of 300 tons burden, which must have gone to the bottom if she had not been brought into Bridlington. Vessels in distress would have no other place of refuge on the coast except the mouth of the Humber, and, as every seaman knew, that was difficult to take, except when the wind blew in certain directions; and at all events, it was fifty miles distant from Flamborough-head, where the greatest danger was to be feared. If this Bill were disallowed by the House, all that had been previously done would be rendered comparatively useless, and there was but too much reason to fear that, in its unfinished state, a storm would sweep away all that had been done. In regard to the toll, he would say, that it was the interest of the parties to make it the smallest in amount which the necessary operations would allow, as, if they were to impose a heavy toll, the harbour would in every possible case be avoided. The amount proposed was only 1d. on every ten chaldrons of coals passing to the London market. Under these circumstances, he hoped those Gentlemen who were interested for the shipping interest would withdraw their opposition, and that the House, taking into consideration the safety which would be given by the undertaking to life and property, would allow the Bill to go to a Committee.

Mr. *George F. Young* protested against passing tolls, and he was glad that that House and the Government had taken a similar view of the matter. The duty to be imposed by the present Bill was of a twofold character. There was to be a duty levied on tonnage, and another on coals, and to both of them there were many objections. As, however, the Committee on harbours of refuge had spoken favourably of the present undertaking, he would withdraw all opposition to the Bill, provided he distinctly understood from the hon. Member for Yorkshire (Mr. Bethell) that the clause imposing a duty on tonnage would be withdrawn, and that the duty on coals would not be continued after the present undertaking was finished for the purpose of constructing any new works.

Sir *G. Strickland:* The present was not a Bill for objects of speculation, nor for any new undertaking, but merely for the purpose of completing a harbour on which a large sum had already been expended, and which, if not completed, was in danger of being washed away.

Mr. *Pease* opposed the second reading, as the shipping interest were all hostile to the undertaking. Considering the injustice of the toll proposed to be levied, he was astonished that the hon. Member for Tynemouth should have consented to sacrifice the interests of the poorest class of persons concerned in shipping. It had been said that it was to be a harbour of refuge, but its situation rendered such an object impossible; for, not long ago, thirty vessels went to take the harbour and all grounded for want of water before they could reach the port. The duty, too, would be heaviest on those vessels which from their size could derive no advantage whatever from the undertaking. He objected to the precedent which would be established, and would move as an amendment, that the Bill be read that day six months.

Alderman *Thompson* trusted the House would treat the Bill as it had done the one for the Scarborough harbour, and throw it out.

Mr. *A. Chapman* thought the Bill should pass, as it was for the interests of the public and of humanity that a harbour of refuge should be established on such a dangerous line of coast.

Mr. *B. Thompson* supported the motion. A person well acquainted with the coast had been asked where, if only one harbour of refuge were to be established, he considered the most eligible site was? His answer was Bridlington, and the number of vessels daily passing along the coast and the vast annual sacrifice of life and property showed the necessity for the construction of a harbour to which vessels might run when overtaken by storms.

Sir *R. Peel* wished to view this Bill solely in connexion with the public good. It had been observed, that though in form a private, it was in point of fact a public, Bill; and certainly, if it tended to increase the security of navigation, and to prevent the loss of life, as such it must be regarded. At the same time, when private parties, however desirable or important the object might be, asked the House to impose a duty on coals for the purpose of supporting a private harbour, it became very difficult for those who reflected on the important public consequences that might follow the sanctioning of such a principle by the Legislature to give a satisfactory vote upon the question. He had no hesitation whatever in consenting to the second reading of the Bill: but he thought it would be a great advantage to have, from some high and disinterested professional authority, a comprehensive view of the state of the harbours on the eastern coast. If, upon a survey instituted by the Admiralty, and conducted by engineers of eminence, it should be found that this harbour was either the best, upon the whole, for the commercial interests of the country, or at least likely to be productive of much good, and if more advantage were promised by imposing this toll than by forbearing to levy it, then he should be entirely reconciled to the measure; but for private individuals to select one point of the coast, upon a general allegation that the public interests would be promoted by forming a harbour there, was a ground of proceeding so vague and indefinite, that at present he could not form an opinion on it. They might be in error; they might be recommending Bridlington as the most suitable point, when on subsequent consideration another might appear superior. If Bridlington harbour were proved to be the best, he should acquiesce in the imposition of the toll; but if a different situation should eventually be found preferable, they might have to impose another toll for the construction of another harbour. He might appeal to all who had been engaged in inquiries relative to the comparative advantages of various proposed railways, whether great advantage had not arisen from consulting engineers of high professional skill, unbiassed by any connexion with the undertakings. Instances had occurred in which such persons had, by their able and disinterested reports, carried to the minds of all concerned a conviction of the truth of the views which they supported. He advised them to act on this principle in the present case. Let them agree to the second reading if they would, but let them have the opinion of eminent professional men, procured by the Board of Admiralty, without reference to any locality, before they imposed a toll for the benefit of a particular place.

Sir *Charles Adam* approved of the views of the right hon. Baronet. He should like to see such a report as that suggested by the right hon. Gentleman laid before the House. A survey had been for some time going on in the North of England, which he hoped might partly answer the end proposed. The hon. Member for South Durham (Mr. Pease) considered that a harbour formed at Redcar would better answer the purpose contemplated by the present Bill; and he (Sir C. Adam) certainly thought that if a toll were to be imposed on the shipping of the country, it ought to be to further a great undertaking like that, not a small harbour like Bridlington.

Sir *E. Codrington* said, that Bridlington was the only point on that part of the coast which had a good roadstead, though Redcar was undoubtedly a situation superior to all others for a harbour of refuge for vessels of all classes. He thought it most material that the House should give all the assistance in their power to the improvement of Bridlington.

Mr. *Hume* hoped that the suggestions made by the right hon. Member for Tamworth would be attended to by Government, and that an inquiry would be immediately instituted, with the view of ascertaining the situations best adapted for harbours of refuge. He should vote against the second reading of this Bill.

The House divided:—Ayes 157; Noes 86: Majority 71.

JERSEY FISHERIES.] Sir *R. Peel* asked whether or no the Government had made any arrangement with that of France with respect to the valuable fisheries in the neighbourhood of the islands of Jersey and Guernsey? He was firmly impressed with the advantages that the present good understanding between the two countries offered for a settlement of any disputes concerning those fisheries, and he should be glad if the present opportunity were not lost of effecting an amicable arrangement of a point that had been a fruitful source of ill-feeling.

Viscount *Palmerston* said, that the Government had agreed with that of France to nominate two Commissioners, one to be appointed by each Government, to draw more satisfactorily the boundaries of their respective fisheries, and he hoped some such measure would be carried into effect.

REPEAL OF THE SEPTENNIAL ACT.] Mr. *Tennyson D'Eyncourt* rose to bring forward his motion for a repeal of the Septennial Act. He would have brought the question forward at an earlier period, but he was unwilling to embarrass his Majesty's Ministers and was in hopes that they would have brought the matter before the House. It was with great pain he learned that he should not have their support, more especially as he believed them to be actuated by a sincere desire to promote the best interests of the country. Having now, however, arrived at the third Session of the second reformed Parliament, without anything having been done on this important subject, it became a matter of indispensable necessity and public duty that he, in the absence of a more competent person, should submit to the House a proposition for the substitution of triennial for septennial Parliaments. Having on former occasions stated the whole bearings of the question at considerable length, and having entered into all the historical details connected with it, he would not detain the House by a repetition of what he had on those occasions stated. In former times, previous to the reign of Henry 8th, the people, it was well known, enjoyed annual or sessional Parliaments, and it was in his reign that the first usurpation of the rights of the people in that respect had taken place. That usurpation, the object of which was to render the Legislature less responsible to the people, had been productive of serious evil and injury. It was not his intention, however, to propose the return to annual Parliaments; he did not, in this respect, go so far as the hon. Baronet the candidate for Westminster went in 1817. He considered, that triennial Parliaments would perfectly satisfy the wishes of the people in this respect. In the Bill of Rights the shorter duration of Parliaments was a point insisted on. In the 6th of William 3rd the Triennial Act was passed, on the ground, as the preamble of the Act with great force and unanswerable truth expressed it, that "frequent and new Parliaments tend very much to the union and good agreement of the king and the people." This Triennial Act existed only twenty-two years, and he had never heard any charge made from any quarter as to the conduct of any one of the Parliaments assembled under it. He believed that a course of egislation more legal and more pure had never been known in the annals of the country. The Triennial Act was repealed in 1716; but so great were the evils which the people found themselves to endure from the septennial system, that in 1734 a motion was made in the House of Commons that a return should be made to triennial Parliaments. The motion was lost by a majority of forty-nine, and all the motions which were subsequently made for the same purpose were in like manner rejected. Then came the great question of a comprehensive reform of the representative system, and this fully occupied the public attention until the Reform Bill past. The advocates of Parliamentary Reform had always divided that question into two heads—the amendment in the representation of the people, and increased responsibility in the Members elected. The first of these objects was to a great extent secured by the Reform Act, the second could only be effected by shortening the duration of Parliaments. It was this latter object which, as the Ministers of the Crown had declined to bring it forward, he now sought to secure, as he had already done on two occasions. It was used as a sort of argument against him that, as it was, Parliaments rarely lasted, now-a-days, above a couple of years. It was true that the duration of the last two or three Parliaments had been short enough, but this had been owing to the simple circumstance that a dissolution of Parliament, however short had been its existence, suited the views of the ministry of the day; but he believed, that had, for instance, the right hon. Baronet opposite, when he last took office, got together a House suitable to his political objects, neither would the right hon. Baronet have retired from office, nor would the Parliament have been dissolved until it reached its seventh year. Had this been the case, with the political views entertained, however honestly, by the right hon. Baronet, the liberties and best interests of the country, and all the benefits expected from the Reform Bill, would, ere the dissolution of that Parliament, have been almost irrevocably destroyed. It was not a power which could safely be intrusted to any ministry. No Parliament ought to be elected for so long a period that the constituencies would not be able to judge of the nature of the measures likely to be brought under its consideration. Standing on that principle he felt that he was upon ground which was perfectly secure. The House of Commons was in a different situation now, as regarded the Septennial Act, from that which it occupied before the passing of the Reform Bill. Prior to the passing of that measure, more than one half of the Members were what he would call the fixed furniture of the House of Commons. They were returned by the rotten boroughs, and constituted a majority which, by its influence and power, secured a steady course of events. What was the case at present? From day to day new questions were arising of the very highest importance. He hoped that his Majesty's Ministers had not made up their minds to persist in opposing the repeal of the Septennial Act. He could tell them that the people of England would never rest till they had obtained the recognition of this principle, and the restoration of their right—a right which was as sacred as that of the trial by jury. The question was only one of time; then let not the House, let not the noble Lord, delay the concession till, like the Roman Catholic Act, and the Reform Act itself, it was wrested from them. The hon. Gentleman concluded by moving for leave to bring in a Bill to repeal the Septennial Act.

Mr. *Williams* seconded the motion. He contended that the Septennial Act was carried much in opposition to the national will, and every succeeding generation had considered it as a violation of the constitution of the country. It was an infraction of the Declaration of Rights. It could not be denied, that the Reform Bill had failed to give satisfaction to the country; the Parliaments elected under it had not been sufficiently in conformity with public opinion to give those reforms which the people expected. The dissolution of the last Parliament did not take place because it was not in unison with public opinion; that dissolution was the result of court intrigue, and had for its object the restoration of a party whom public opinion had expelled from power—a party who were identified with all the old practices of corruption. The hon. Gentleman went into several historical details, through which it was impossible to follow him, and concluded with an earnest appeal to the House to support the motion.

Mr. *Fitzstephen French* opposed the motion. He thought that a return to triennial Parliaments would lead to an increase of political animosities.

Sir *S. Whalley* was in favour of the shortening of the duration of Parliaments, They ought, in his opinion, to remember that they had not now to appeal to any nominees, but to the people. He considered it a very great evil to have the prerogative of the Crown constantly suspended over them in that House. It was his opinion that the more frequently the constituents had the opportunity of reviewing the conduct of their representatives, the more likely was it that the conduct of the representatives would be satisfactory and conducive to the public interests.

Mr. *Vernon* thought that it was exceedingly indecent in hon. Gentlemen on the opposite side of the House to have, in their address to his Majesty, passed a vote of censure upon the hon. Baronet below him, for having dissolved a Parliament which sat for two years, when they at the same time came forward to make a demand for triennial Parliaments.

Mr. *Hume* was one of those who was always willing to vote for responsibility on the part of Members of Parliament. The responsibility which they owed to their constituents could not be so well accomplished by the seven years duration of Parliament as by the three years. If they were acting rightly, why not appeal, from time to time, to their constituents? It would be found by hon. Gentlemen on the opposite side, if they asked the opinions of their constituents on the subject, that seven years were considered too long for the duration of Parliament. The question was, had they enough of responsibility with a seven years' tenancy of a seat? In his opinion they had not. Considering the manner in which business was done in that House, he thought that Members ought to be long enough in the House to know their duties. Considering this, it was his opinion that annual Parliaments would tend to an evil, and that they would not be able to go on with them. He should like to know from hon. Members if they would trust to individuals the management of their private affairs for seven years without calling them to account. If they would not, why should they do so with regard to matters of public concern? With reference to what had been said by the hon. Member opposite as to the dissolution of Parliament by the right hon. Baronet (Sir Robert Peel), he begged to say that the right hon. Baronet was censured for that dissolution, because it took place without due notice being given to the constituents. He was opposed to a ministry having the power to dissolve Parliament when they pleased. Upon this subject he wished to have the opinion of the noble Lord, the Secretary for the Home Department.

Lord *John Russell* considered, that they ought not to accede to the proposition of the hon. Member for Marylabone, and defer the division on the present motion until hon. Members had taken refreshments. He had upon a former occasion given his opinion so much at length upon this subject, that he did not feel it to be at all necessary to enter into details upon the question. Still, as he had been called upon by the hon. Member for Middlesex, he wished to state what was his opinions upon this question. The hon. Member who had seconded the motion, quoted a sentence used by him, he believed, on introducing the Reform Act. He thought that the hon. Member should not only have quoted that sentence, but another that immediately followed it. An hon. Member had quoted him correctly, as giving a speculative opinion in favour of the duration of Parliament for five years, in the place of seven years. That opinion he certainly entertained, but at the same time he was not to be tempted to support his hon. Friend's motion, and to join with those who might wish for Parliaments of three or four years, or for any other period. The way for the House of Commons to deal with such a question as this, was not by leaving the number of years that Parliament ought to sit in blank. Opinions were greatly divided against this question. Some were for three years, and others for having annual Parliaments. In circumstances like these, he did not think that the evil that was complained of was one that was immediately felt, nor was a Bill, from the circumstances existing, required for shortening the duration of Parliaments. With respect to the period of three years, the hon. Member for Middlesex appeared to be in favour of such a proposition, while he declared that one year would be too short. With great truth and justice the hon. Member had remarked, that the amount of public business would make it very inconvenient to have elections every year. Then that hon. Member said, that there was a clear distinction between the business of a Legislative body, and the affairs of a private individual. Although the hon. Member said this, still he put the matter on the analogy of their not suffering persons to act as representatives for seven years, because no man would allow another to manage his affairs for the same period without calling him to account. The hon.

Gentleman who seconded the motion, supported it upon the ground, that the people of this country had a right to Parliaments of a particular duration. He thought that the argument in respect of the analogy of very ancient times, was as little applicable as the analogy of private individuals. The time of Edward 3rd, when the knights and burgesses came up and continued for a short time at great inconvenience, was not at all like the present time, when so many complicated affairs were brought before the House of Commons. A great deal of blame had been always thrown upon those who had passed the Septennial Act. He was sorry and surprised to hear the hon. Gentleman who seconded this motion say, that he thought that the period of the accession of the House of Hanover, was the worst period in the history of this country. He considered this the time when they had the establishment of a popular and free Government, and when the pretensions of the House of Stuart were finally set aside. With respect to the Septennial Act, they took care to state in the preamble of the Act the grounds of it, and they did not leave to posterity to say, that it was an Act of mere temporary necessity. The preamble of the Act stated, that its object was, to diminish the heavy expenses of frequent elections, and to put an end to heats and animosities. Among the other consequences of the House of Commons not being a body continually changing and fluctuating, there was one consequence which he thought attributable to it. It was in the very nature of things, that if there were two bodies, such as the House of Lords and the House of Commons, the one of which always continued, and the other only for a very short time, the House in which the Members always continued, had more weight and authority than that in which they were continually fluctuating. So much weight had this on the mind of Milton, that in some of his speculations, he gave it as his opinion that the Members elected by the people should be for life. From the time of the Revolution up to the time that the Septennial Act was passed, the whole leading authority in this country was centered in the House of Peers. Look, for instance, at the Duke of Shrewsbury, the Duke of Marlborough, Lords Sunderland, Somers, and Godolphin. There were two others who held great power, namely, the Earl of Oxford and Lord Bolingbroke. Both of them, as soon as they came into power, sought to be placed in the House of Lords, and the cause of the great quarrel between the Earl of Oxford and Lord Bolingbroke was, that Lord Bolingbroke did not receive so high a title as he thought he had a right to expect. But what was the case since the passing of the Septennial Act? They found that Sir Robert Walpole, and the first and second Pitt, and Fox, and the other men who exercise great influence, were generally Members of the House of Commons. The fact was, that that House had acquired great weight and power in consequence of the Septennial Act. With respect to an alteration to triennial or annual Parliaments, it was very possible that the consequences might be very different to what he anticipated. He thought that such a change would give great instability to the Government, and they might be more likely than at present to have a House of Commons, elected in times of popular ferment, which would not preserve the constitution as it at present existed. He did not think that at present there was any great desire in the public mind for this measure. He did not think, he must confess, that general opinion was pressing for this change, or for changes of this kind. His opinion, and he thought the opinion out of doors, was, that they should attend to practical questions. They had effected a very great change in the constitution of that House by the passing of the Reform Bill. In proposing the Reform Act, he certainly said, that this question, and another question, namely, that of the Ballot, might at a future period come to be considered. But at the same time his opinion was, that with respect to this question in particular, there was no great desire in the public mind that they should adopt the proposed change. He considered, that a change to triennial Parliaments would be very injurious, and therefore he was not prepared to adopt it. He thought that they would do far better by attending to those questions of practical importance, in which the immediate interests of the country were concerned.

Mr. *Wakley* said, that from the speech of the noble Lord. it was quite clear that the duration of Parliaments would continue the same, as long as the people allowed them to remain so. It was quite clear, that in order to have the desired change, they must have the pressure from without. The Septennial Act was passed for a particular object, which was not required now, but there would always be abundance of excuses found for its continuance. The noble Lord seemed to be of opinion that the people did not desire that the Act should be repealed. He thought that the noble Lord would entertain a very different opinion before this day twelve months. He thought that the noble Lord ought not to forget what was passing at this moment in the immediate neighbourhood of this House. The aristocracy of the district in which that House was situated, was at that moment canvassing and using every possible effort to return to that House a man [Sir F. Burdett, who had vacated his seat for Westminster, and was a candidate to be re-elected on the Tory interest], who had pledged himself to annual Parliaments, universal suffrage, and vote by ballot. That was the very course they were following. He had never seen the Lords working so industriously for the return of a Radical Reformer to that House. His object in rising, was to show that they had the power in their own hands to have either triennial or septennial Parliaments. When he was elected, nearly three years ago, he made a promise, that at the end of three years he would resign, as being friendly to triennial Parliaments, he wished to give the electors a proof of his sincerity. He should resign. He should not go before his constituents and say, that if his conduct had not satisfied them during the time he was in the House, he would resign. He would adopt no course of that kind. He would apply for the Chiltern Hundreds, and walk out. He would tell the Conservatives of Finsbury, that this was his determination, and he only hoped that they would have a fair battle. It depended upon the people themselves, whether they should have triennial Parliaments or not. He hoped they would take advantage of the discussion that night.

Mr. *Roebuck* said, that the noble Lord (Lord John Russell) opposed this change because he thought it would interfere with the stability of Government. Now he (Mr. Roebuck) did not wish for any change that would affect the stability of Government and, therefore, he desired a Bill of this description. He desired that Parliament should exist for three years, neither more nor less, that it should be dissolved on, say, for instance, the last day of December, and that they should not be dissolved either by the King or by the Ministers beyond a given time. If the House of Commons were thus elected every three years, and continued for that period, they would not be subject to instability that arose either from the demise of the Crown or the going out or coming in of ministers. He considered that this plan would give stability to the Legislature. Such a system existed in the United States and produced the best effects. He should vote for the motion of the hon. Member for Lambeth as a step to what he wished, but he did not expect that such a proposition would find favour in this Parliament. But the time, he hoped would come when the duration of the Parliament would depend on the law and not upon the King or his Ministers.

The House divided:—Ayes 87; Noes 96: Majority 9.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Bannerman, Alex.
Barnard, Edward G.
Bewes, T.
Bodkin, J.
Bowring, Dr.
Bridgeman, H.
Brockleburst, J.
Brodie, W. B.
Brotherton, J,
Buller, C.
Bulwer, Edw. L.
Butler, hon. P.
Chalmers, P.
Chapman, M. L.
Clay, W.
Collier, John
Collins, W.
Conyngham, Lord A.
Crawford, W. S.
Denistoun, A.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fielden, J.
Fort, J.
Gaskell, D.
Grote, G.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hodges T. L.
Hughes, Hughes
Hume J.
Hurst, R. H.
Hutt, W.
Jervis, John
King, Edward B.
Lushington, Dr.
Lushington, Charles
Maher, John
Marshall Wm.
Marsland, Henry
Molesworth, Sir W.
Morrison, J.
Mullins, F. W.
Musgrave, Sir R. Bt.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
Palmer, General C.
Parrott J.
Pendarves, E. W.
Power, James
Power, John
Robinson, G. R.
Roebuck, John A.
Rundle, John
Ruthven, E.
Scholefield, J.
Sheil, Richard L.
Stuart, Lord D
Stuart, V.
Strickland, Sir G.
Strutt, E.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Wason, R.
Wigney, Isaac N.
Wilks, John
Winnington, H. J.
Wood, Alderman
Young, G. F.

TELLERS.

D'Eyncourt, C. T.
Williams, W.

List of the NOES.

Alston, Rowland
Arbuthnot, hon. H.
Bailey, J.
Benett, J.

Borthwick, Peter
Canning, rt. hn. Sir S.
Chaplin, Col.
Chapman Aaron
Chetwynd, Captain
Clerk, Sir G.
Colborne, N. W. R.
Coote, Sir C. C.
Crawley, S.
Cripps, Joseph
Dalmeny, Lord
Darlington, Earl of
Dillwyn, L. W.
Donkin, Sir R.
Dowdeswell, Wm.
East, J. B.
Eastnor, Viscount
Ferguson, Sir R. A.
Fitzroy, Lord C.
Forster, Charles S.
Fox, Charles
Freshfield, J.
Gaskell, James Milnes
Goulburn, H.
Graham, Sir J.
Grattan, J.
Halse, James
Harcourt, G. G.
Harcourt, G. S.
Harland, W. Charles
Heathcote, Gilb.
Hogg, J. W.
Hope, Henry T.
Hoskins, K.
Hotham, Viscount
Howick, Viscount
Hoy, James Barlow
Ingham, R.
Inglis, Sir R. H.
Jephson, C. D. O.
Johnstone, J. J. H.
Jones, Wilson
Knatchbull, Sir E.
Lee, John Lee
Lefroy, Thomas
Lennox, Lord G.
Long, Walter
Lucas, Edward
Lygon, hon. Gen.
Mackenzie, T.
Mackinnon, W. A.
M'Leod, R.
Martin, J.
Martin, T.
Maunsell, T. P.
Morgan, Chas. M. R.
Morpeth, Viscount
Packe, C. W.
Palmer, Robert
Palmerston, Viscount
Parker, M.
Parry, Sir L. P.
Pease, J.
Peel, rt. hon. Sir R.
Perceval, Col.
Plumptre, J. P.
Poulter, John Sayer
Pursey, P.
Richards, John
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Russell, Lord John
Scarlett, R.
Shaw, F.
Stanley, Lord
Stewart, John
Tennent, J. E.
Trench, Sir F.
Trevor hon A.
Twiss, Horace
Vere, Sir C. B.
Vernon, Granville H.
Vivian, John Ennis
Vyvyan, Sir R.
Welby, G. E.
Wemyss, Capt.
Weyland, Major
Wolfe, Sergeant
Wynn, rt. hon. C. W.

TELLERS.
Seymour, Lord
French, F.

Paired Off.

FOR	AGAINST.
Henry Grattan	J. E. Denison
William Tooke	Sir C. Burrell
Sir Wm Trelawney	Viscount Cole
R. Walker	W. Fielden
The O'Conor Don	O. Gore
A. H. Lynch	T. Green
C. Fitzsimon	Young (Cavan)
Sir S. Whalley (till 9)	Lord C. Hamilton
C. S. Lefevre	Hon. H. Cole
H. L. Bulwer	Mr. C. Russell
J. W. Deans Dundas	Colonel Thomas
Admiral Codrington	Lord A. Lennox
Mr. Bish	Sir O. Mosley
Edward Baines	Hon. C. Forester
Wallace (till 9)	Earl of Lincoln
J. P. B. Chichester	Sir W. R. Clayton
Lord James Stuart	Sir Charles Lemon
Sir Ronald Fergusson	Sir Henry Hardinge
J. Pattinson	V. Smith.

Poor Law (Ireland).] Lord *J. Russell* moved the order of the day for the House to resolve itself into a Committee on this Bill.

Mr. *O'Connell* said, that before the Speaker left the chair he wished to suggest an opinion on the subject of this Bill. He must say that the state of destitution that existed in Ireland was exceedingly underrated in this Bill. He never knew an instance of such a complete falsification of evidence as that which arose in Mr. Nicholls's report. He had trespassed upon the House upon a former occasion, and would not detain them two minutes. He had declared, that in the present state of destitution in Ireland any thing like adequate relief would amount to a confiscation of property, whilst the present provision was not only not desirable, but would lead to increasing irritation. Having to select between them, he had made up his mind for confiscation, and not for increasing irritation, and therefore he must state, that he would not oppose this Bill. But he would divide the House upon that part of the Bill which confined relief to workhouses; and he would take the sense of the House upon a clause to enable the guardians to give out-door relief. He felt it his duty to express his opinion that the relief must be more extensive, or they had better have no relief at all.

Mr. *Sheil* said, that it seemed now to be settled that a Poor-law should be introduced. He saw there was to be another rate imposed upon the people of Ireland before the tithe question was settled. They had now for three years resisted the payment of tithes. On the first of November there would be four years to pay. Was it intended by the Legislature to impose a new tax upon the people of Ireland before the adjustment of the tithe question? He felt public opinion was pronounced, and irrevocably pronounced, upon the subject of an Irish Poor-law. But while he felt quite convinced that a Poor-rate must be imposed, he was most anxious that the tithe question should be settled before the rate was imposed upon Ireland. It must be manifest to every body who knew any thing of the constitution of this country, that where the mass of the people, already by the most effective and, in his opinion, justifiable organization, resisted the collection of tithes—it must be manifest, that until the tithe question was adjusted it was impossible that any other rate should be imposed on the country with the smallest chance of a successful collection. He wished that the Government would direct its attention to this subject. He wished they would adopt the only means of pressing a measure which would conduce to the pacification of the country. He for one was anxious to know what was the course to be pursued. He would put no questions to Government. He did not think that the people of Ireland would be satisfied until the question of tithes was satisfactorily settled. He would as he said before, put no question, but he should certainly like to know what course the Government meant to adopt.

Mr. *Shaw* was as anxious as the hon. Member for Tipperary for a settlement of the tithe question, but he did not agree with him as to the mode in which this should be effected. The hon. Member said, that it would be four years next November since tithes had been collected in Ireland. This, however, was a fallacy; for tithes had been tolerably well paid in Ireland, at least in three-fourths of the country, during the last year; and any difficulty in their collection was only experienced in one-fourth. He would venture to assert, that tithes were as well paid as any other duty or tax. With respect to this Bill, he thought that a great fault of it was, that it went much farther than the noble Lord had made provision for. He also thought that the noble Lord had greatly miscalculated the number of applicants for admission into the workhouses; they would certainly be much greater than he imagined. It would have been much better, in the first instance, if they had confined relief in the workhouses for the weak, the sick, and the infirm. He could not help feeling, however, that the whole measure was a fearful experiment on the property of Ireland, as well as the habits of the people.

Mr. *Sharman Crawford* was satisfied that the principle of relief in workhouses never could be acted upon in Ireland. He differed from the hon. and learned Member for Tipperary as to the settlement of the tithe-question before the Poor-law Bill; he thought that the latter should be delayed on no account.

Lord *John Russell:* I do not think it necessary to enter upon the general argument as to the Poor-law measure, on which I before addressed the House, both on the introduction and on the second reading of the Bill, but I feel bound to take some notice of the question put to me by the hon. and learned Member for Tipperary. Indeed, I suppose that it is the wish of the House that I should state the course that the Government intends to pursue as regards this subject, and I must say, that is a matter of considerable difficulty to state what course should be taken in certain contingencies, it resting on observations, or matter in the shape of observations, as to the course taken by the party opposed to me as regards one of these Bills. It must be recollected that we introduced three separate Bills with respect to Ireland, namely, the Municipal Corporation Bill, the Tithes-Bill, and the Poor-law Bill; these were three separate measures, but tending, as we believe, to the tranquillity, the improvement, and the well-being of Ireland, and also to the more firm establishment of the union between the two countries. On the other side of the House it has been held, that these measures were not to be taken as separate measures, but as measures connected together, and that one should not be judged of without the consideration of the other. Denying, as I do, the justice of this opinion, still I have to say, that we have now brought forward, or at least stated, the nature and what we proposed to do with respect to each of these measures. We have sent up to the other House of Parliament a Bill respecting Municipal Corporations in Ireland. We now propose to go into Committee on the Poor-law Bill; and my noble Friend stated, with great clearness, the provisions of a Bill which he proposes to introduce respecting tithes; therefore, the whole of our plans on these subjects are before the House. Knowing, then, that the plans proposed on the part of the Government are before the House, we are of opinion that these measures are best calculated for the attainment of the objects meant to be obtained. But I understood the right hon. Gentleman opposite, in the course of the debate at the close of the discussion of one of those Bills in this House, namely, on the debate on Municipal Corporations—I understood him to state, that although he was not decidedly opposed to a measure on this subject, yet that the measure before the House exceeded as it was framed such a measure as he could approve of; and although he did not deny that a *primâ facie* case had been made out for the establishment of Corporations in Ireland, in resisting our measure, he did not state the nature of the amendments which he would have wished to have introduced, nor the nature of the Bill which he would support. He, however, opposed the further progress of the measure, because the other measures as to tithes and Poor-laws were not before the House. I have stated, that I regarded these Bills as separate measures, but which he stated he wished to regard as a whole. Thus I understood the statement of the right hon. Gentleman, and he is present to correct me if I am incorrect. But, I must say, what has actually happened since, is an occurrence wholly unprecedented in the history of Parliament, but, at the same time, one to which it is difficult to affix any definite meaning. I take the interpretation of this part of the constitution from the practice and from the professions of the right hon. Gentleman, and I do not think that I differ much from him in stating that, when measures have been passed repeatedly by considerable majorities of this House, they must, in the end, meet with the concurrence of the other House of Parliament. Undoubtedly, I am not about to enter into a lengthened examination of the opinion to which I have referred; but I must observe that, so far, the Bill we sent up, met with the concurrence of the other House, for it was read a second time in the other House, and I did not hear, and, indeed, the contrary would appear to be the case, that no notice was given of a motion similar to that proposed and carried last year with respect to this Bill in the other House of Parliament, and which was proposed last year, and also this year to this House of Parliament, but which was, on both occasions, negatived, namely, that instead of provision being made for the reformation and reconstruction of the Municipal Corporations in Ireland, that provision should be made for their total abolition. Judging, therefore, wholly from the fact, that the other House was disposed to follow that which was the practice in the best times of the constitution, namely, agreeing to a measure which the settled and deliberate opinion of the representatives of the people was in favour of. I supposed that the House of Lords was prepared to consider the Bill on the subject which had been sent to them. At the time when the Bill was read a second time, this appeared to be the course that would be taken, above all, when no intimation was given of such an instruction as I have mentioned being proposed to the Committee. But without notice of any kind, the motion being made in such manner as precluded many of those who intended to support the Bill from having their names recorded against the motion made, and successfully made, to postpone the Bill to the 9th of June. Therefore, as I said before, putting aside the original proposition, that the Bills should be considered separately, the House of Lords adopted the amendment that was proposed, that the Bills should be considered together; and, I must say, in all fairness, and in hope of coming to an adjustment, that it would have been right to have stated and propounded, in a formal shape, the amendments which were to be made, and then, if they had thought proper, they might adjourn for a week, fortnight, or longer time, the further consideration of the subject. These amendments thus being in our power, we should have been able to form some judgment, some definite opinion, as to the nature of the measure to which that House appeared willing to assent; and also to form a judgment on the success of the measures which we are now pressing forward. I must also add, that the course of which I complain, has not been followed with a view to come to an adjustment of this question. It is a course which must very much embarrass his Majesty's Government, and throw obstacles in the way which will greatly interfere with us while we have to deal with the Bills before the House. Under these circumstances, it is very difficult to state what course it is proper to pursue, for it might be said, and suspicious minds might adopt such an opinion, that those who, without any notice, proposed this course, and who have, on all occasions, spoken against the popular principles contained in the Bill, and now appear as hostile to that popular principle as they ever were—it might be said that their object was to act in such a way as to enable them to force the Bills on the other subjects which are consonant to their feelings, while they would keep up the form and substance of Corporations in Ireland, effectually shutting out the popular principle, for these Corporations would be preserved, as they now are, exclusive bodies. Such I hope, is not the interpretation to be put on this proceeding; and I should be very sorry to take any hasty or premature steps founded on conclusions that it was not intended by the other House to consent to the foundation of popular institutions in Ireland for the management of local affairs. But another course which I may be told might be taken by the other House was this, that they would say, "We will take out of the Tithe Bill all that is displeasing to us, and we will put into the Corporation Bill something that will be displeasing to you." As to what this something may be, we know not—as to whether it is a simple alteration of the Bill, or whether it will entirely militate against the vital principle of the Bill, we are left only to conjecture; and anything we hear in conversation, and all that is repeated in the public prints, as being the deliberate opinions of certain noble Lords, only involves the subject in greater doubt and difficulty and uncertainty. Under these circumstances, I think it is my bounden duty to proceed with the Bills without suspending their progress, and in the manner in which I originally proposed to deal with them; at the same time, we should not be doing our duty to this House and to the constituency, if we did not warn the House of Lords that it is not possible that there can be a satisfactory adjustment of this question, if we do not endeavour, while carrying on the public service in such a manner that it do not suffer inconvenience or detriment, to take care that none of the essential powers and privileges of this House should be departed from, which House of Commons has given confidence to the administration, and which confidence we should be misusing, if we merely persisted in carrying Bills which were afterwards totally defeated elsewhere. I believe the right hon. Gentleman, the Member for the University of Dublin, stated, with respect to the tithe question, that it was not essential that the Tithe Bill should be passed during the present Session. I will not give an opinion on this subject, but I believe such was the inference to be drawn from the speech of the right hon. Gentleman. I must state further, that in what I have hitherto explained to the House, I have not seemed to answer the hon. and learned Member for Kilkenny, or laid down any definite or clear course of action; but the hon. and learned Member must recollect, that in the very doubts that I have expressed as to the situation in which we stand, and as to the intentions of our opponents, and I must also add the other House of Parliament, would lead us to the conclusion, that it is better that we should wait and see whether we have mistaken the intentions of our own opponents, instead of adopting that decided course which it would afterwards be shown we were not justified in pursuing. We shall endeavour to come to a settlement of these matters, and to come to that settlement in such a manner as will produce benefit to Ireland, and also to carry these measures in such a way that those who represent that country, and those who sympathise with the feeling of Ireland, will be satisfied that some progress has been made during the present Session. But at present I feel, after the vote of the other night, which cannot be interpreted in a way which will lead us to anything conclusive as to the course of proceeding of the other House, that it is essential at the present moment that all in the majority of the House of Commons should remain firmly united together on the present occasion; and I think I may say, that if the supporters of the present administration continue their present confidence in it, that with such support, and with such a majority, the Ministry will not desert them. I feel, also, that other considerations affecting this subject, of very great and paramount importance, but into which I will not now enter—considerations affecting the maintenance of the authority of the two Houses of Parliament —I remain, as I ever have been, an adherent of the established form of Government, which has recognised an hereditary House of Parliament as part of the constitution of the country; from that opinion I am not disposed to depart; and I feel convinced—such is my confidence in the excellence of the British constitution—such is my confidence in the temper which has carried us hitherto through whatever dangers and difficulties we have had to contend with—that there will at last be an agreement with respect to these Bills, as there has been before when differences have arisen. Under these circumstances, I think that the constitution ought not to be lightly parted with, and that no misunderstanding, as to the postponement, the delay, or the retarding these measures, ought to be considered an obstacle to the maintenance of that constitution, and to its being continued on a basis of harmony and concord. With these opinions, and without expressing any doubts as to coming to any settlement on the Corporation or tithe-questions, I must conclude, at the same time, with stating, that I am convinced that there is nothing in the constitution of this House, or the other House of Parliament, which could finally prevent such a settlement; and therefore it would be better that, instead of the determination being left to the chances of collision, or to the winds of fortune, that we should maintain that constitution which has hitherto worked with such admirable effect, and which is still capable of producing most admirable fruits to both England and Ireland.

Mr. *Hume* was satisfied that the conclusion of the noble Lord's speech was directly at variance with the facts which he had stated in the course of it. He had no doubt, however, but that Ministers would do their duty, and stand by the House now they saw the clear course before them. That House, at the early part of the Session, passed a Bill, which had for its object the establishment of local Government in the towns of Ireland. The cause of Ireland seemed, however, to be unworthy of the attention of the other House, at least till the 9th of June. He wished the noble Lord to state whether he intended to carry the Church-rates Bill, and the other measures before the House, as fast as possible, and send them up to the House of Lords, or whether he intended to postpone them until after the 9th of June? It appeared to him to be trifling with the feelings of the country not to state distinctly what course the Government intended to take, to prevent the stoppage of the public business. The two Houses must be placed on a footing of harmony to carry on the legislation for the country. He knew that the noble Lord was afraid of the subject of the reform of the Lords. The noble Lord said, that he was anxious to adhere to the constitution which had hitherto worked so well: had that been the case for the last two years, during which period all the measures sent up by that House have been mutilated or broken in pieces? He wished to have a distinct answer from the noble Lord as to the course he intended to pursue, as to whether he meant to press the measures before the House. He was satisfied, if the obstacles were found to remain with the other House, the country would no longer suffer it, but would lop away the impediments in its way, and would assist the Government in applying a remedy. They had arrived at a period when there was a complete stoppage of legislation, and it was necessary that they should have some understanding as to their future proceedings.

Lord *John Russell* had thought he had made himself understood, but he begged at once to state that he intended, with as little delay as possible, to proceed with the measures before the House.

Sir *Robert Peel:* I am extremely sorry that a discussion, so mixed up with party feeling and party interest, should have taken place on the question of a Poor-law. I greatly wish the hon. Gentleman, however legitimate his question may be, had taken some other occasion for putting it, for I feel that, if we once permit party feeling to mingle in the discussion of a Poor-law for Ireland, it will greatly prejudice that discussion, and materially tend to discourage the hope of a satisfactory completion of a measure which, as it is, is looked upon with very considerable doubt and anxiety. As the noble Lord has made distinct reference to me, I find it necessary, not adopting a different temper from that in which the noble Lord spoke, to say something on this subject. I understand from the noble Lord, that it is his intention to proceed with those measures which were indicated in his Majesty's speech from the throne, as affecting the internal peace and tranquillity of Ireland, with the consideration, namely, of the Poor-law Bill, and the question of Irish tithes. I rejoice to hear that such is the noble Lord's determination, and I regard it as a much more prudent decision than the one I understood him to indicate on Friday last, of a contrary description. The noble Lord complains of the course taken by the House of Lords on the subject of the Irish Municipal Corporation Bill. I am bound to say, that I think that the course of the House of Lords is perfectly consistent with justice and good sense. I can say this with perfect truth, because the noble Lord will do me the justice to remember, that when this matter was first brought under the consideration of this House, I expressed an anxious wish that, before we came to a final decision on the

Corporation question, we ought first to consider the other two matters. I said this with an abstract view of the question, and without any reference whatever to the course the House of Lords might think proper to adopt. I thought it of the utmost importance, that before we pronounced our final opinion on the Irish Corporation question, we should be in full possession of the intentions of Government, and the probable course the House of Commons would be called upon to pursue in reference to Irish tithes, and Irish Poor-laws. I think the hon. and learned Member for Tipperary must admit, that it is perfectly consistent in the Peers to find an intimate connexion between questions of this kind, for in the very speech which he has just delivered, he himself said, that he thought the questions of Irish Poor-laws, and Irish tithe, so intimately connected together, that he protested against the consideration of the Poor-laws, until the House was put in full possession of the Ministerial measure respecting Irish tithes. "For," said the hon. and learned Gentleman, "tithe, in many parts of Ireland, is in arrear for three years, and, at Christmas next, will be four years in arrear; before you impose a new rate of any kind in Ireland for the relief of the poor, let me know what is the final settlement you propose to make, as to the tithes in that country." Now, if it be the view of the hon. and learned Gentleman, that two out of these three questions are so intimately connected together, that he declines pronouncing an opinion on an Irish poor-rate, until he has ascertained the feelings of Government and of the House, as to Irish tithe, how can he deny to other parties the exercise of that judgment which he not only claims for himself, but pronounces, or how could he refuse them the right of thinking that the three questions have that intimate connexion with each other, which he himself admits to exist between two of the three? If, therefore, I wanted any vindication of the reasonableness and justice of the course which has been pursued by the House of Lords, I find it in the distinct admission of the hon. and learned Member. The hon. Member for Middlesex seems to think that there is something in the course taken by the House of Lords which is disrespectful to the House of Commons. I beg to say, I myself have that feeling for the honour of a House, of which I have been so long a Member, and by which I have been received with only too much of favour. I have that deep interest in its honour and character, that nothing could induce me to acquiesce in any course which I thought disrespectful to this House: but I beg the hon. Member to call to mind, that it was distinctly intimated to the House of Lords, in the Speech from the Throne, that in the course of the present Session, their attention would be drawn to "three measures intimately connected with the tranquillity and welfare of Ireland," and that, on the invitation of the Ministry, their Lordships presented an address to the King, in which they expressed a hope that they might be able to make some arrangements conducive to the welfare and peace of Ireland, and pledging themselves to an early consideration of the three measures which were specified by Ministers in the Speech from the Throne. If, therefore, the Lords concur with the Commons in the principle, that there is an intimate union between these questions, without any reference to the proceedings of the House of Commons, have not their Lordships had authoritative and indisputable declarations made to them, that these three measures would be presented for their consideration, and if they think them so intimately connected, can anything be more natural or reasonable than that they should desire to postpone the consideration of one Bill, until they know on what principle the others are founded? I before stated to the noble Lord, and with perfect truth, that if the order of these measures had been reversed—if he had perfected the Poor-law Bill, and settled the tithe question, I should then, on the discussion on the Corporation Bill, have frankly stated the connected view which I took of all the measures; but as things have been arranged, the Municipal Bill came in this House to its third reading, before anything was known as to either of the other measures. The noble Lord seemed to apprehend the possibility that in the course now taken, some advantage is intended to be laid hold of this kind, that one Bill will be passed into a law, and the other indefinitely postponed; for instance, that a tithe Bill rendered satisfactory to the House of Lords will be passed, and that then the Municipal Bill will be thrown overboard. Now, this result would be altogether a matter of impossibility, unless this House were a consenting party; for, whatever the scheme of adjustment adopted by the House of Lords as satisfactory to them, this House is, of course, in no way called upon to accept it; and, therefore, the danger which the noble Lord apprehends as possible, is altogether out of the question. I will not enter further into the consideration of these questions, being most unwilling that anything of party asperity should connect itself with the discussion of a Poor-law. I will merely repeat, that as reference was made to me by the noble Lord, concerning the course of the House of Lords, I felt bound to express my entire acquiescence in that course; my conviction that it was perfectly consistent with justice and equity, to ask to see all these measures before it considered the details of one of them; my conviction, further, that had any other course been followed by the House of Lords, if they had at once proceeded to consider the details of the Corporation Bill, such a course would not have facilitated an amicable settlement of the questions, but would, on the contrary, more probably have led to their indefinite postponement; and lastly, my conviction that in the course so adopted, there could have been no intention to offer disrespect to the House of Commons. I believe that no such disrespect was intended; the proceedings of the House of Lords had no necessary reference to any inconsistent proceedings of the House of Commons; their Lordships' themselves declared, in their answer to the Speech from the Throne, that they would give full consideration to each of the three measures that speech pointed out, in reference to Ireland; and feeling as they did the intimate connexion between the three subjects, it was impossible for them fully to consider the one, without being in possession of the principles on which the other two were founded.

The *Chancellor of the Exchequer* could not help thinking there were some fallacies, and those of no ordinary importance, in the statement of the right hon. Baronet. Whenever the right hon. Gentleman or the other hon. Gentleman who differed with Ministers on the essential principles on which the Government of the country, and more especially the Government of Ireland, was to be carried on, whenever the right hon. and hon. Gentlemen appeared disposed to apply to authorities of the kind just invoked by the right hon. Baronet in support of their arguments, he was always disposed to suspect that there lurked some fallacy which they sought to impose upon the House in borrowed arguments. Thus it appeared to him that the right hon. Baronet, in attempting to prop up his arguments by illustrations drawn from the statement of the hon. and learned Member referred to, manifestly showed that he had no very strong case of his own to rely upon. What did the borrowed argument of the right hon. Baronet prove? What was it to the purpose? Nothing. That a Member of their own House, conceiving a connexion to subsist between several measures before the House, should ask to see them in a combined form before he formed his judgment on one or all of them, was perfectly consistent with the rules and forms of Parliament, and was no violation of the constitution, receiving no influence whereby the House should seek by its proceedings to follow the proceedings in another. But the moment such an argument was raised elsewhere, it became a very different matter. It raised a principle for which those who raised it must hold themselves deeply responsible. It raised a principle which might be raised, and he hoped justly, in the present instance, only by inference; but whenever it was raised actually and positively by designs, and with a view to affect a given purpose, it could never be so raised without great danger to the constitution. The argument of the right hon. Baronet as to the propriety of a Member of that House demanding to see all these three measures before he decided upon one of them was correct enough as asserting the constitutional rights of a Member of one branch of the Legislature in the chamber to which he belonged, but it was totally inapplicable if raised in a question between the two branches of the Legislature. He would even assert the right to free and independent action of both Houses of Parliament, but, at the same time, he would resist any attempt on the part of either to overawe or control the other, as an attempt most dangerous to the constitution. He did not for a moment mean to draw from the course stated to have been taken by the other House any inference that its intention was to overawe and control the House of Commons: all he had a right to know of the matter was the statement on the journals of that House, that the measure in question had been postponed; and he was willing to imagine that this postponement of the Bill by the other House was not for the purpose of depriving the country of the benefits which Government anticipated from the passing of the measure. If it were probable that any Bill had been delayed in the other House for the purpose of holding out to the House of Commons either a threat or an inducement to take a particular line in reference to other Bills pending before it, the individuals who took such a course in the other House, were indeed incurring an awful responsibility; but as he saw nothing of this declared on the journals of the House of Lords, he could not in justice impute to any Members of that body any such design. If such were the design of any Members of the Upper House, they might rest assured, that it would be entirely defeated by the spirit and resolution of the representatives of the people, The two branches of the Legislature were co-ordinate, but they were not co-equal, and this would manifestly appear were anything in the shape of a conflict to occur. It was the House of Commons which was in possession of measures without which the public service could not for a week be carried on. With the postponement of the measure to the 9th of June the House of Commons had nothing to do. It was for the House of Commons zealously to persevere in its duty; to carry on the business to which it pledged itself in the commencement of the Session; to discharge its functions faithfully; and, having done this, the House of Commons would stand firm in the affections and confidence of the people of England! Whether the House of Lords was in the wrong or no, it was for the House of Commons to keep itself in the right. Whatever party in the country put itself in the wrong in the eyes of the people, that party would be sure to be the sufferer. Supposing for a moment the case to be that the House of Lords had in the views of some parties put itself in an inconvenient position in reference to the House of Commons, it was the duty of the House of Commons to persevere in the right, by calmness and moderation, and by undeviating adherence to the principle of serving the public interests, by being swayed by no party views or party animosities one point beyond the track in which they would have walked if this occurrence had never intervened. The right hon. Baronet had implied that the Ministry had changed their minds on this subject since Friday. He (the Chancellor of the Exchequer) could assure the right hon. Baronet he was mistaken in this respect. The Ministry were taking precisely the course which they had marked out for themselves in the first instance. They made no interruption in their arrangements for conducting the public business. They left to the other House its full right to judge of all the measures sent up to it. The sole and simple object of Ministers was to carry into effect the largest measure of national improvement, to promote to the utmost possible extent the happiness and prosperity of the people. In conclusion he might observe, that there was one observation of the right hon. Gentleman in which he fully concurred in approaching the most arduous and most difficult duty ever imposed on men, that on which a greater mass of misery or happiness never depended, it was essential that all should divest themselves of party feeling, and he trusted that the discussion on this subject would on all sides of the House be for the future carried on in the same spirit in which it had commenced, and which had suffered no interruption until the interlude which had just taken place.

Mr. *W. S. O'Brien* said, if there was to be a compromise with the House of Lords on this question, let it be frankly stated.

Mr. *A. Trevor* was really very sorry to see so bad an understanding on this occasion between Ministers and Gentlemen with whom, in general, they were so friendly, and without whose assistance they could not keep in office for a week. For his part, he did not understand the clamour raised against the House of Lords for their very reasonable request to know the nature of one measure before they decided upon another, these measures having so intimate a connexion.

Mr. *Henry Grattan* protested against the House of Lords being permitted thus to hang up Ireland by the neck till the 9th of June. If the Lords were quietly allowed to shelve this essential measure till the 9th of June, they would in the same way postpone the Poor-law Bill till the 9th of July, and the Tithe Bill till the 9th of August.

Mr. *Sheil* did not conceive that he had asked any question of the Government;

he had suggested a difficulty with respect to two measures, but he had not inquired which course they meant to pursue either with respect to the Municipal Corporation (Ireland) Bill, or the Irish Tithe Bill. He, however, had heard with great satisfaction the declaration that they would not desert their post while sustained by the House of Commons.

The House went into Committee, and he first clause having been moved,

Mr. *O'Connell* rose to submit an amendment. There ought to be a separate set of Poor-law Commissioners for Ireland, who were acquainted with all the details of the existing system. What information could the English Commissioners be supposed to possess? What did Mr. Nicholls know of the condition and wants of the Irish? He had been a sailing captain of an East Indiaman. Was that an education peculiarly fitting him for a Poor-law Commissioner? They could not have an opportunity of practice in both countries; the circumstances were not the same. The hon. and learned Gentleman moved as an amendment that three Poor-law Commissioners be appointed to carry this Act into execution in Ireland.

Mr. *S. O'Brien* concurred entirely with he amendment.

Mr. *Hume* was sorry to see his hon. Friends take the course they were taking with respect to the Commission. The question was whether they would accept the services of men who had had two or three years' experience in the working of the Poor-law system. Were their services to be accepted to perform what was acknowledged to be a difficult duty, or would they reject them and support those who had all this to gain? He did not think that his hon. and learned Friend had dealt with this matter with his usual consideration. He objected to Mr. Nicholls, because he was brought up at sea. Was that a way to judge of a man's abilities? "Why I," said Mr. Hume, "was brought up at sea." Experience assured him that the English system of Poor-laws had been well worked by the Commissioners. It was but justice to the Commissioners to state, that in the Committee which sat up stairs, not the least evidence was taken reflecting prejudicially either on the law or on the way in which the Commissioners had carried it into execution.

Mr. *O'Connell* did not impugn the conduct of the Commissioners with respect to anything that they had done in England. He believed, that they had here done wisely and well; but what he contended was, that the principles on which Poor-laws ought to be administered in Ireland, differed *toto cœlo* from the principle on which they might be administered in England.

Mr. *Richards* said, that mendicancy could not be put down by the law, unless they made some provision for the really destitute. He thought there should be a board sitting in Dublin; and if the hon. and learned Member for Kilkenny went to a division, he would vote with him.

Lord *John Russell* thought the discussion had been carried further than the principle embodied in the clause called for; and as the system of Poor-laws in England differed so materially from that proposed for Ireland, it would have been better to have postponed a great deal of what had been said, till they came to the clause relative to workhouses. In allusion to what had been said by the hon. Member for Middlesex, relative to the Commissioners, he would state, that it was necessary to have for Commissioners, men of great experience; and that it would cause very great inconvenience to appoint three gentlemen totally unacquainted with Poor-laws, as they would be totally inadequate for the object in view. He thought it would be necessary, for some years, to have a board sitting in Dublin, composed of gentlemen possessed of local knowledge; but, at the same time, it was absolutely necessary to have a general board to carry out the system on general grounds, not applicable only to Ireland, but such as might be adopted in other countries to which a Poor-law might be necessary. He did not see anything so peculiar in the state of Ireland to prevent the application of those general principles to that country. With regard to the imputations made against Mr. Nicholls, he wished the House to understand, that that gentleman had been sent over to Ireland at the express request of the Government, and that he was not responsible for having set aside the report of the Commissioners. In fact, he was more responsible for that than Mr. Nicholls.

Sir *Robert Peel* thought it was of great importance, that there should be a local board subordinate to the general board. The people of Ireland were in the habit of consulting the authorities in that country, and it would be desirable that there should be Commissioners in Dublin to whom they could apply for information and advice.

Amendment withdrawn, and the clause agreed to. The second clause was also agreed to.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, May 9, 1837.

MINUTES.] Petitions presented. By the Bishop of EXETER, from Portadown (Ireland), for a strict inquiry into the object of the National Association; also, from various places in the diocese of Down and Connor, against the system of national education in Ireland; and from various places of the manufacturing districts, in favour of a Ten Hours Factory Bill.—By the Bishop of HEREFORD, from the Clergy of the county of Hereford, to appoint chaplains to workhouses.—By the Marquess of BUTE, from Stirling, for the better observance of the Sabbath; and by several noble Lords, from various places, for the ministerial plan for the abolition of Church-rates.

CANADA.] Lord *Glenelg* rose to propose the resolutions respecting Lower Canada which had been communicated to their Lordships by the House of Commons; and in offering his remarks upon the motion he must bespeak their kind indulgence, because he was afraid the subject in itself, consisting as it did of various dry details, was not calculated to be interesting. At the same time, though in its details it might be uninteresting, yet in its principles it was one of the most important and interesting subjects that could be submitted to their Lordships' consideration. It possessed, however, one advantage, it was exempt from all party feeling. It was of a national character, and he was persuaded that their Lordships would discuss it upon national and constitutional grounds alone. He felt that he should best show his respect to their Lordships, and his sense of the importance of the duty he had to discharge, by proceeding to it at once, and without further preface. He would first present to their Lordships a short summary of those facts which it was necessary to bear in view in considering this question, and in order to bring before them the situation in which Lower Canada was now placed. It was well known, that the province of Quebec was surrendered by France to this country by the treaty of Utrecht. At first it seemed to have been the object to Anglicise the province; and with that view the law of France was abolished, and the law of England established. Soon after, however, that design seemed to have been changed, and in the year 1774 a Bill was introduced by which the French law was restored to the province in all matters concerning property, and the English law retained with regard to criminal offences. In the year 1791, an Act was passed dividing Quebec into two provinces—Upper and Lower Canada. Lower Canada was assigned to the French, as a reward for their loyalty and attachment to the English Crown, and Upper Canada was assigned to the American loyalists, as a reward for their adherence to this country during the American revolution. It was also then, for the first time, that a colonial constitution was embodied in an Act of Parliament. Till that period the colonies generally derived their charters from the Royal prerogative. This was the first time that an attempt was made in our colonial history to unite legislatorial functions with aristocratical privileges and honours; and a constitution was assigned to Lower Canada comprising three estates —a Government with an Executive Council, a Legislative Council, and a Legislative Assembly. Some time, however, elapsed before this system was carried into execution, and for a certain number of years the Canadians permitted the executive government to control their funds. However, the materials for carrying on a free constitution were then preparing, and as the Assembly, in consequence of the superiority in numbers of the French people, obtained a complete ascendancy, the almost natural consequence was, that the governor sought a refuge from that ascendancy by composing the Legislative Council chiefly of the English, as a sort of antagonist power to the Assembly. An offer was made in 1815 by the Assembly, to take upon itself the whole expenses of Lower Canada, those expenses having previously been contributed by this country. This was at the time declined; but in 1818, when the pressure of affairs at home made it desirable to reduce the public expenditure, that proposition was received by this country, and was acceded to by the Assembly. That was the first step which put the colonial Assembly in possession of a practical power of exercising the constitutional right which they derived from the Act of 1791. From that period down to the year 1828, the history of Lower Canada was a succession of struggles between the Assembly on the one hand, and the Executive Council, supported by the Legislative Council, on the other. In those struggles the Assembly contended for their privileges and rights, which were fought for step by step, and they generally gained the victory. But the concessions which were extorted did not promote conciliation and contentment. On the one side there was a sense of insult, and a desire to continue an ancient dominion—on the other, a sense of injury that had been triumphant and successful in a dispute against power. These struggles and victories had been most injurious to the peace of the province. One effect, however, of these struggles was, that men belonging to the British party who espoused liberal principles joined the French party against the Government; so that it at length became a struggle between men of liberal and of oppressive principles in politics, which finally led to extreme discontent in the colony. Petitions poured into this country, and at last Mr. Huskisson, in 1828, being at that time at the head of the colonial department, thought it his duty to submit the whole subject to the consideration of Parliament. A Committee of the House of Commons was accordingly appointed. That Committee performed its duty with great discretion, ability, temperance, and moderation. It made a report, which was received with acclamation by the colonists, and pronounced by the Assembly an imperishable monument of the wisdom and justice of its author. Upon that report the people of Canada took their stand as maintaining their constitutional rights. They complained of mal-administration and misconduct on the part of the Government, but not of the constitution. The Committee, in their report, also proceeded on the same principle. They maintained the existence and integrity of the constitution, which at that period was the object of praise and admiration throughout the whole province. The Assembly stated, that the Committee had recommended remedies that would meet all the grievances of which they complained. During the two succeeding years efforts were made by the Government to carry into effect those recommendations; but owing to peculiar circumstances which it was not needful for him to mention, and to the necessity of further inquiry in the provinces, the greater part of those remedies could not be introduced during those two years. Inquiries were instituted in order to enable the Government to act upon the suggestion of the Committee. One great measure—the reform of the representation of the people—was carried into effect. Another great measure was introduced into the House of Commons by the Government at that period, but it was not passed into a law. The measure he alluded to was this:—In the year 1774 an Act was passed for the abolition of certain duties existing from time to time, and for reimposing those duties, and giving the appropriation of them to the home Treasury for Colonial purposes; in other words, giving to the Crown certain revenues which it could dispose of at discretion for Colonial purposes, but over which the Assembly was not to have any control. That was one of the grievances brought before the Committee of 1828: the Committee examined into the subject, and reported that by law the Crown was in possession of those revenues for specified purposes; but they recommended that the Act of 1774 should be repealed, and the whole revenues placed at the disposal of the Assembly, on condition that the Assembly fixed a certain sum, either permanently or for a term of years, for the civil purposes of the colonial government, independently of the Crown revenues in that province. The Government of 1829, introduced a Bill into the House of Commons conformably to that recommendation. But, as he had said before, owing to peculiar circumstances, that Bill did not pass. It fell to the lot of his noble Friend opposite (Earl of Ripon), to carry into effect the recommendation of the Committee of 1828. His noble Friend applied himself to that task with great zeal and energy, and he thought he might say, that his noble Friend accomplished it; at least, the noble Lord who preceded him in the Colonial office had recorded a minute in which he stated, after a minute detail of all the grievances and remedies proposed, that the suggestions of the Committee had been carried into effect. There was one exception which he could not help thinking might be made, although it did not apply to his noble Friend. He did not think that the Legislative Council had been completely reformed in the sense of the recommendation of the Committee. He was aware that his noble Friend asked for information, and for the names of such Members of the Council as were proper to be retained, that those names were transmitted to him, and that accordingly those names were inserted in the Legislative Council. It afterwards, however, appeared, that the information obtained was not so accurate as it ought to have been; but upon this point also, in respect to the Government, every possible effort was made in compliance with the suggestions of the Committee. There was one result which flowed from the measure of his noble Friend, which was, that it detached from the party hostile to the Government those who were the real and honest well-wishers of the province, who had joined the disaffected only because they believed that justice could not otherwise be obtained, but who, on perceiving the firm purpose of the Government to redress real grievances, abandoned them, and placed themselves on the side of the Government, confident that that Government was on the side of liberality and justice. The effect of this was, that the distinction that had previously existed among the people was revived, and the province was now divided between the French party and the British party, and not between the Liberals and Illiberals. But conciliation was not attended with any good effect on the Assembly, for in proportion as concessions were made, the Assembly increased in their demands. He felt bound to say, that up to the year 1828, the Assembly had just cause of complaint, but he was equally bound in justice to say, that subsequently to that year their case was not so good, and not so entitled to consideration. With his noble Friend it remained to repeal the Act of 1774. His noble Friend, believing that the Assembly were cordially disposed to meet the reformed Legislative Council in a conciliatory spirit, introduced a Bill to repeal the Act of 1774; but he thought he might rely on the Assembly to enable him to repeal that Act without imposing any condition on the Assembly to provide for a civil list. Consequently a Bill was passed in September, 1831, placing all the revenues which were then at the disposal of the Crown, by virtue of the Act of 1774, under the control of the Assembly. Much had been said about that Bill, because it had been passed without any condition. It was said that the Bill, being passed without any condition, left the Assembly completely masters of the revenues. It was only a matter of justice for him to observe, that that construction of the transaction was not a correct one. He meant, that it was not to be supposed that his noble Friend, in passing that Bill without condition, did not look forward to the contingency that the Assembly might not perform that part which, nevertheless, it might have been only reasonable to have expected them to do. It was true his noble Friend passed the Bill without condition, but did he keep himself completely in the dark as to what course should be pursued if the Assembly did not provide for the civil list? No: in a paper on their Lordships' Table it was stated by his noble Friend what course it would, under such circumstances, be right to pursue. It was this—that as his Bill did not include the revenues properly belonging to the Crown, his noble Friend asserted, that, in the contingency of the Assembly not fixing upon a civil list, he was prepared himself, on the part of the Crown, to have recourse to those revenues, and carry on the Government of the colony without any regard to the Assembly. But, however, even that concession—the repealing of the Act of 1774—was not received by the Assembly in the same spirit in which it was made to them. They certainly made no provision for the civil list, but increased in their demands; these were not complied with. In the year 1833 the Assembly met, and proposed a Bill granting a supply conditionally. This was rejected: consequently the supply failed for that year. In 1834 the Assembly met again, and having called upon the Governor for a redress of grievances, and the Governor having refused, they departed without granting any supply. But the House of Assembly, before they separated, adopted hostile measures. They passed resolutions, no less than ninety-two in number, assuming the form of an impeachment of the Governor. In those resolutions they introduced many new grievances, and afterwards transmitted the resolutions to this country, with a deputation of their own body. That was in the year 1834, when Lord Stanley was at the head of the Colonial Department. The resolutions were debated in the House of Commons, and then referred to a Committee. In the course of the debate Lord Stanley announced, that it was his intention to repeal the Act of 1831, introduced by the Earl of Ripon, and thereby replace the revenues created by the Act of 1774 in the hands of the Crown, for the purposes of the colony. The Committee to whom the subject of Canada had been referred having examined into the subject, made their Report; and again withdrawing the subject altogether from the Legislature, recommended that it should be left to the discretion of the Executive Government. In 1835, the Assembly refusing to enter into any business with the Governor, the House separated. It was under these circumstances and at that period that he entered into the office he now held. The supplies had not been granted during three years; but in the year 1834, a certain payment was made from the Crown revenues to the different official servants of the province. The Government had then to consider the rule of policy by which they should be guided in this important and delicate matter. He felt it to be one that required much circumspection and caution, and he thought that the rule of policy by which the Government ought to be guided, and which they ultimately adopted, was this: first, to respect the spirit of the constitution of the province; second, to separate as speedily as possible the really loyal and honest from the factious party in the province, by the redress of all real grievances; third, to institute a searching inquiry into the nature of their complaints; fourthly, to observe especially the disposition of the adjoining British provinces of North America; and in all cases to act in such a manner as should become the honour and dignity of the British Crown and Parliament, not with feelings of vindictiveness, not with haste or intemperance, but in a grave and deliberate spirit, and with a determination to adopt whatever steps the justice of the case should appear to demand. This course of caution and circumspection as regarded Lower Canada, and of vigilant observance of the adjoining provinces was one which necessarily involved delay, and delay, he knew, would expose them (as it had done) to many severe attacks from many ardent spirits in the province, who condemned every species of delay, however necessary or reasonable it might be, and ascribed it not to temperance or forbearance, but to timidity and want of spirit in the Government. But he felt that it would be more becoming on the part of a great nation, in a struggle with a colony, to act with deliberate composure rather than with intemperate haste; and that it would be the better policy to calmly await the crisis rather than rashly to precipitate it. So strongly did he feel the propriety of this course of policy, that even if strong reasons for delay had not at that time existed, he should have felt it his duty to have invented them, and to have devised the means of giving time for inquiry and consideration, rather than prematurely to bring about a crisis, the anticipation of which every one must have regretted, and which no one, he was sure, could wish to accelerate. This was the course, devoid of any expression of resentment, or any desire precipitately or vexatiously to interfere in the affairs of the colony, that he thought it most becoming for this country, conscious of great power and resources, to pursue towards the refractory province. But, he might, perhaps, be asked, whether he was not one of that body who, twelve months before, had concurred in the measure for the repeal of the Act of 1831? It was true that he had been a supporter of that measure, and he supported it because he felt at that time, that the crisis had arrived when such a measure was required; but when he was himself called upon to look into all the details of the subject, and to be himself the adviser upon it, it did not appear to him that the crisis had arrived; but even if he had thought the crisis matured, what was the warning he had received from the proceedings of the year previous? When the measure was introduced into the House of Commons by Lord Stanley, the subject was referred to a Committee, who, after several months of inquiry, made a Report recommending that the matter should be settled by the Executive Government and the colony; thus, in fact, pronouncing a negative upon the measure, which was ultimately dropped. The Government feeling, that further inquiry was necessary, appointed a Commission for that purpose. He confessed he was somewhat surprised to hear from his noble Friend the other night an opinion that further inquiry was not necessary. It seemed to be his noble Friend's opinion, and the same opinion had been stated elsewhere, that there was no necessity for issuing a fresh Commission, that the whole subject had been fully inquired into, and that it was quite impossible for any body of

Commissioners to throw a new light upon it. But, admitting for a moment that the subject had been very fully inquired into, did that, under the circumstances which existed, disprove the necessity of appointing another Commission? Admitting the Government to be in possession of ample information upon the subject, was it not necessary that others as well as the Government should be satisfied with the completeness of the inquiry? Was the Government to tell the House of Assembly that it had all the information it required upon the subject, and that it would not inquire further? Would such a course have satisfied the House of Assembly, or would it, indeed, have been consistent with the honour or dignity of the mother country? Admitting that no new fact could be obtained, was it nothing to procure from the Commissioners, after a full and patient inquiry, a solemn assurance that the people of Lower Canada had no new grievance to complain of? Five years had elapsed since the previous inquiry, and during that time, with a rapidly increasing population and a constant infusion of fresh settlers, new events had occurred in the province, new circumstances arisen, new interests taken place. Was not this in itself sufficient ground for further inquiry? Besides, had there been no danger in the position assumed by the House of Assembly? At the commencement of the year 1829, the House of Assembly of Lower Canada congratulated the Home Government upon the course it had pursued, and expressed their full approbation of it. During the three or four subsequent years the Government made every exertion to ascertain the grievances of the colony and to redress them; yet at the end of that time the House of Assembly passed no less than ninety-two resolutions against the conduct of the Government, setting forth new grievances and making new demands, which rested not merely upon the facts of which they had previously complained, but upon the ground that the constitution had not worked well, and required to be changed. Was not that a new feature? Was it not a great phenomenon, and did it not require explanation? Upon the face of such facts, could it be said, that further inquiry was not necessary? It had been said, that the Reports of the Commissioners threw no new light upon the subject. He must be allowed to doubt whether those from whom that assertion came had taken the trouble to read those Reports. They contained, in fact, a mass of the most valuable and most important information; they went into the whole of the subject, and explained in the fullest and most comprehensive manner all the motives, interests, and sentiments, of the people of Lower Canada. From no other source could so comprehensive a view of the subject be obtained. In these reports the fact was clearly explained, a fact which must materially affect all the proceedings of the mother country towards the colony, namely, that the controversy now carried on in Lower Canada was not a controversy between the colonists in general and a particular faction, but between the Canadians of English origin and the Canadians of French origin. This had been denied before by high authorities, but the Reports of the Commissioners established it beyond a doubt. Another important circumstance which the Commissioners brought to light was this: that the English were not represented in the House of Assembly; yet another statement of detail proved that the deficiency was irremediable and that no attempt could be made to correct it without injustice to the other and more numerous party. They proved, further, that the composition of the Legislative Council was imperfect, and required to be corrected; they proved, also, that the Land Company, which was one of the great subjects of dispute, had conferred great benefits upon the province, although it was extremely distasteful to the French party; and, beyond all this, they proved, that the resources of the colony in possession of the Crown were fully adequate, with due economy and care, to defray the expenses of the civil government, without having recourse to the House of Assembly. They had also clearly proved that the emancipation of the town of Montreal from feudal dues had been decidedly beneficial. If, then, they had effected all this, it was surely not necessary for him to enter into all the objections which had been urged against the constitution of that commission. Still he was anxious to say a word or two on that point also. It had been objected to the commission, that it was too numerous—that its duties should have been intrusted to one or two—that its constitution led to discrepancy of sentiment, conflicting ideas, and consequent uncertainty in the result. But those who made that remark proceeded on a misconception of the real nature and object of the commission. One of its objects was, to point out a remedy which Government might adopt, but another was, to put them in possession of the various views in which the same state of affairs struck different minds. And then it was to be kept in mind, that, with all the difference of opinion which might be expected to prevail, the practical measures recommended by the commission met with their united concurrence. It had been said they only agreed on the question of the money; but that was not by any means the case—all their resolutions and recommendations were unanimously agreed to. His noble Friend in another place had also objected that the governor had been made a member of the commission. That he humbly ventured to think was strictly advisable, inasmuch as no person could, in his opinion, be so intimately acquainted with all the circumstances of the province with respect to which the inquiry was to take place. He now came to the events which had taken place after the arrival of the Commissioners in Lower Canada. Lord Gosford, according to the instructions he had received, immediately summoned the House of Assembly, stated the nature of the commission, and the objects of their inquiries, and invited them to pay the arrears, and make provision for the current expenses of the civil government of the province. At first this invitation seemed likely to meet with success, the majorities against Government having greatly diminished; but in consequence of the publication of the instructions of Sir Francis Head, with extracts from those of Lord Gosford, which had been communicated to the Assembly, the leaders of the extreme party availed themselves of that means of irritating the feelings of the House of Assembly, and inducing them to retrace their steps. They availed themselves of those instructions to induce the Assembly to take no notice of the arrears to the civil servants, and passing a six months' supply bill. The Assembly adopted an address to the King desiring the Speaker to communicate their opinions to the other Assemblies in the neighbouring provinces, and call for their concurrence. That was an important document. Although sufficiently respectful in its tone, if mere expressions were considered, yet in spirit and positive declaration it was to inform the King, that having made their demands, and resolved on insisting on certain concessions, they appealed to the King in Parliament not to leave his royal discretion unfettered, but to receive his sanction of those concessions, with nothing less than which would they be satisfied. That address was transmitted to this country, and, at the same time, a Report was received from the Commissioners recommending, as no supplies had been voted, that application should immediately be made to Parliament and the Act of 1831 repealed. On mature consideration it appeared unadvisable to the Government to comply with that suggestion, and he apprehended the events which had then and since taken place in connexion with the state of feeling in the adjoining provinces fully justified their determination. In the first place, there was a certain degree of plausibility in the unfounded pretext of which the leaders of the Assembly had availed themselves, in order to carry their objects; and in the next place the House of Assembly had not in terms refused the supplies, having voted a six months' money bill. It was also important that the great question at issue should be brought out deliberately and distinctly whenever the appeal to Parliament should be made. On those grounds it was thought advisable not to make the appeal to Parliament at that time. Lord Gosford was again directed to summon the Assembly, and announce that his Majesty regretted the communication of partial extracts had induced them to take steps which they would not otherwise in all probability have adopted; he was directed to communicate to them the fullest information, and assure them that there was no ground for the suspicion of a predetermined resolution respecting the result of their inquiries, and they were again invited to vote the supplies. One part of his dispatches to Lord Gosford had been made the ground of a charge against him of want of sympathy for the situation of the civil functionaries in Lower Canada, whose salaries had been so long left unpaid. So far from entertaining any want of sympathy for the situation of those unfortunate persons, he had directed Lord Gosford, if the arrears were not paid by the provincial legislature, to avail himself of all the resources of the Crown that he might have in his possession for that purpose; and, so far as they were available, to apply them to the payment of the official servants whose salaries had been left unpaid. The consequence was, that Lord Gosford did advance 50,000*l.*—being all the money he could command—for the payment of the civil servants, and liquidated the claims of all whose salaries were under 200*l.* a-year, and a great portion of those whose salaries were of a much higher amount. This was in the year 1836; and at that time, in consequence of the instructions forwarded to Lord Gosford, the civil servants of the Canadian Government were placed in precisely the same situation as that in which they stood when he came into office. After receiving the speech from Lord Gosford, the House of Assembly agreed to another address—not to the King — but to Lord Gosford himself, and this last address was drawn up in a tone of menace and defiance which left no doubt as to the feeling and determination of the body from which it emanated. It reiterated in the strongest possible form the whole of their demands—their unalterable determination to insist on the unconditional repeal of the Tenures Act, the total subversion of the Land Company, a complete control over the executive, and the introduction of the elective principle into the Legislative Council. But further than this, the Assembly proceeded to animadvert on the Commissioners in a tone which was most extraordinary and reprehensible; they poured contempt on their whole proceedings; they said the commission was without law, and against law, and declared that no persons had authority within the provinces except the Houses of Assembly, who were only competent to make demands, and be appealed to, in the name of the province; and they positively placed the colony under an interdict of all legislation. He submitted, then, that the time had at length arrived when Parliament should be called on to interfere. All that was wanting on a former occasion had now been supplied,—the necessity for interference was palpable; and those resolutions having obtained the sanction of the House of Commons, he hoped they would also receive the seal of their Lordships' approbation. The question at issue was no minor grievance, no misconduct or maladministration on the part of the Government; every pretext had vanished; there was no doubt as to the refusal of supplies; legislation was at a stand still, in order to wrest new concessions, which compromised the honour of this country and the sovereignty of the King. At the period when the subject was last before the House was the situation of the adjoining provinces favourable? The House of Assembly of Upper Canada was then in a state of excitement; in fact, they were almost running in rivalry with the House of the adjoining province in the extravagance of their demands. Since the appointment of Sir F. Head to the Governorship of Upper Canada, that province had been enabled to vindicate its character, and the House of Assembly had in a signal manner marked its opinion of the proceedings of the House of Assembly of Lower Canada. Every praise ought to be given to Sir F. Head; but still he thought a little praise was due to the Government who had selected him, and in obedience to whose instructions he had acted. The noble Lord read an extract from the report of a Committee of the honourable House of Assembly of Upper Canada, which condemned in strong terms the course which had been followed in the Lower Province. He would now call the attention of the House to the province of New Brunswick. The House of Assembly of that province had also passed resolutions to address his Majesty, and two members had been deputed to carry that address to this country. That address was couched in the most respectful and moderate terms, and it pointed out certain grievances. Negotiations had taken place on the subject, the result of which had been so satisfactory that the House of Assembly had agreed to resolutions, expressing the most entire satisfaction; and a "deep sense of the high obligations they owe to his Majesty's Government for the promptness with which the representations contained in the address were attended to —the solicitude expressed for a satisfactory settlement of the various matters brought under their consideration— and the results produced by the negotiation carried on between his Majesty's principal Secretary of State for the Colonies and the deputation." The demands of the House of Assembly might be divided into two classes—those which affected the honour and integrity of the country, and those which affected the sovereignty of the King. With respect to those which touched the honour and good faith of the country, they related to the tenures of lands, or rather to the Acts respecting tenures, which involved very many complicated details, with which details, however, he did not consider it was necessary to trouble their Lordships. But the point on which the House of Assembly took their stand was based on the Act of 1791, which provided for the conversion of feudal tenures into tenures free and common soccage; and upon this the question had been raised formerly, whether this conversion of feudal tenures did or did not carry with it the English law of alienations and descents. To solve that doubt an Act was passed in the year 1825, which determined that it should carry with it the English law of alienation and descent. That law, then, was so passed in the year 1825, and yet in all the petitions of 1828 no allusion to, or complaint, was made of that law. Subsequently, however, it was made a grievance, and an imperial Act of Parliament was passed authorising the King, with the local Assembly, to repeal that Act. That point was now established under the authority of an Act of Parliament. Titles, therefore, had been acquired to property, and yet the House of Assembly sought to abolish all the rights acquired under the sanction of that Act of Parliament, to abolish the rights on which the whole of the property in that country depended. This was what they called the simple and unconditional repeal of this Act. He prayed the House not to commit any such breach of faith. So with the case of the Canada Land Company, which had been incorporated by the charter of the King, whose legal right to grant such charter could not be questioned. But as there were in this case certain powers which only an Act of Parliament could effect, an Act was accordingly passed giving those powers. It was necessary, too, that it should be an Act of the Imperial Parliament, because the domicile of the company was in this country. Under the sanction, then, of their charter and this imperial Act, the company had bought lands and sold them, because the whole of their property was thus protected. And yet nothing was to remain safe if the demands of the Assembly were to be acceded to—for they called for the abrogation of this charter. He would say, that both their demands involved a sacrifice of the national faith. But there were other demands which involved the Government of the country, so far as regarded everything which constituted property. The Assembly required the whole disposal of all revenues—not only of those arising out of the department of taxation, which were usually levied by popular assemblies, but also of those revenues which appertained to Crown property. All these claims were made; they demanded the disposal of all Crown property at their own discretion. He need not tell their Lordships that this was a principle which never had been, and never could be, comprised in the constitutional law of property; and nothing was more pleasing to witness — nothing more imposing at the commencement of every new reign—than to observe the compact which was made by the people and the Sovereign respecting their rights of property. But the object of the Assembly was to make the King a mere pensioner. This was one of the claims, nevertheless, on which they insisted. The next claim was, that the Executive Council should be made so responsible to the House of Assembly as to be dismissible at the will and pleasure of the Assembly. If measures considered in a provincial Parliament, and connected with local interests, had nothing external about them, it would be of little consequence if the rule were established. But let it be recollected what must be the situation in which the Executive Council must be thrown by admitting this principle. If the Assembly disapproved of an Act of Parliament, then their councillors would lose their office at the instance of the House of Assembly. What, then, was the course to be pursued? Were the Executive Council under such circumstances to be replaced? If not, what must be the consequence? Why, the Provincial Assembly would decide in matters of foreign policy, and exercise its own judgment, independent of the parent country; and the result would be, that they would have a series of independent states, each exercising independent functions. Then there was the third demand which had been made, that the Legislative Council should be an elective council. The object of this was, that the Executive Council should be identical in its principles with the House of Assembly. In one word, the two houses were to be animated by the same views, influenced by the same constituencies, and by the same career of policy, whatever it might tend to. The result of that would be to place the whole fortunes of the British settlers under the absolute control of the French party. To grant such a power would not be an act of justice to the former, while it would give an unconstitutional right to the latter. Such were the demands which went to affect the sovereignty of the King, and he confidently appealed to their Lordships whether they ought to be acceded to. He might be told, perhaps, that they had resorted to the power of refusing the supplies in order to obtain a redress of their grievances. They certainly had the constitutional right to refuse the supplies; but he presumed that all demands which should be constitutionally made, and of a constitutional character, and that there should be no abrogation of the constitution when the right of withholding the supplies was resorted to. He apprehended that it was the corresponding duty of the Assembly to maintain the conditional principles of that constitution under which it existed. The right to stop the supplies had been exercised in this country only on one occasion, which involved the general overthrow of all rights. He contended that this right was given, notto abuse, not to destroy, but to improve the constitution. So long as it was necessary to keep up the connexion between the parent country and the colony, so long must the constitutional principle be qualified in the case of the colony, and limited by the very principle of its dependence. It was competent for the colonial legislatures to suggest alterations, but not to enforce, in any particulars, the overthrow of the constitution, because this could only be regarded as a lawless abuse of a remedy placed in their hands. It might be said that there were other grievances. What were those grievances? Were they those of 1828? The grievances of 1834 were in course of inquiry, and during that inquiry these unfortunate differences sprung up. But it was said, why have recourse to the resources of the colony? He believed it had been made a matter of taunt in the other House of Parliament that some Members of the Government felt no great regret and reluctance at being compelled to adopt these resolutions. Now, for himself, he would say, that he should be ashamed, if he did not feel the greatest compunction at the necessity to which he was reduced. He knew what constitutional rights were; he knew it was quite impossible for any man not to feel the utmost repugnance when such measures were rendered necessary. The French people of Lower Canada were of most peaceful habits, and were happy until they were roused by those who had taught them to consider their grievances were irremediable; and the French people possessed virtues which exposed them to the machinations of ambitious and designing men. It was then only under the most urgent necessity that he called upon their Lordships to adopt the resolutions which he should submit to their consideration. But look to the case of the public servants who had been deprived of their incomes. If it were said that this was an infraction of a great constitutional right, he would say, the House of Assembly had no right to withhold the salaries of the public servants. He thought it was quite impossible to regard the case of these sufferers without feeling the greatest commiseration for them. He would not take the matter up even on the ground of humanity, but upon that of national justice, because they were not at liberty to trifle with the public servants. The King had called these individuals to their duty, and a compact had been made with the public to remunerate them for their services. They had patiently performed their duties under all circumstances; and again he would say this was not a question of humanity, but it was a solemn debt of justice due from the King and the Canadian people, whom the King had the right to compel to pay their servants out of those revenues from whence they had before been paid. Would this country pay these officers? Did their Lordships think that if they gave their negative to these claims they would obtain a liquidation of these arrears, if on every occasion these claims were treated not only with contempt, but the House of Assembly, moreover, stated their determination as to the disposal of the public men in the province? He knew a plan had been proposed by an hon. and learned Gentleman in another place, which that hon. Gentleman believed would conciliate all parties. That plan involved the important topic of the abolition of the Legislative Council altogether. He (Lord Glenelg) felt he need not argue the question of the proposition itself; but he should like to know on what authority it was asserted that the Assembly would consent to such a proposition, at the same time it was totally inadmissible, because it laid the Government of the whole colony prostrate at the feet of the French House of Assembly. Matters had reached that crisis that further delay in dealing with the evil would be most injurious to the British population in Canada. That people formed the minority; they had watched all these proceedings with intense interest for some time; they had suffered what a minority would be content to suffer; they had borne the efforts of the opposite party to interfere with their interests; their commerce had been deranged, their resources had been narrowed, and their greatest efforts had been weakened. He was not there to defend indiscriminately the conduct or temper which the British population had evinced. He did not mean to express his approbation of the manner in which they had conducted themselves with respect to their French fellow-subjects, but great allowance was to be made for them. But if there was any danger of these animosities and hostilities increasing, it became the duty of the Government to interfere. The French people of Canada were warmly attached to the British Constitution; we had raised them from their small beginning to their present state—we had respected their laws, their Church, and their priests. Unfortunately many speculative notions had been raised by their leaders; but he would call upon them to recollect that the constitution of 1791 had been and was their asylum, and that nothing was so dangerous to them as embarking in theoretical disputes with the present Government. He hoped, however, that the intervention of Parliament would arrest the progress of these animosities, and that the French population would be able to see their true interests. But he might be told that this measure was feeble and inadequate, and that if they did interfere they should interfere effectually — that they should repeal the Act of 1831. As to the principle of the two measures, it was very nearly the same; but he would venture to state the reasons which induced him to think the present the preferable proposition. This proposal of drawing on the resources of the colony was a clear and simple proceeding—it did what it professed, and no more. If they resorted to the repeal of the Act of 1831, they must either do it at the sacrifice of the good faith of the country, or the only reason upon which it could be justified must be, that the Assembly had not performed their part of the contract. Now he believed that the Assembly were open to no charge of breach of faith; they were at perfect liberty, their good faith remaining untouched, to ac precisely as they did. But, supposing that not to be the case, the period had elapsed during which the Act of 1831 ought to be repealed. That Act passed in September, and it contained a provision that it should not come into operation until the July following; and the object of that provision, of course, was to afford an interval during which the Assembly might express its opinion on the measure, and Parliament might again take it into consideration. But that time had been suffered to pass; the Parliament had neglected its duty in that respect; and they had, therefore, no right now to come and call for its repeal. But it was said, that the present proposal was inadequate. Now that proposal was to this effect—that the revenues of the colony should be applied to defray the arrears up to the 10th of April last. They intended, therefore, to draw on the treasury of the colony strictly for that amount, and an order was to be issued that after the 10th of April the Government had resolved to carry on the Government of the colony strictly on its own resources. It appeared from the Reports of the Commissioners that those resources were adequate to the general purposes of the civil government and the administration of justice, if proper economy was used. In what sense, then, could it be said that this scheme was inadequate? If because it did not altogether deprive the Assembly of all power of interference with the Executive Council—if because it was not framed on the principle of placing the Government in such a state of independence as would enable it to carry on the Government without any reference whatever to the feelings or opinions of the Assembly, he must beg to say, that that inadequacy was the very recommendation of the measure. It was required by the principles of the constitution that the representative body should have some influence in the administration of the Government. Much would be done towards harmonising the differences that existed by the declaration of Parliament, and the conduct of the Government would prove how slow they had been in coming to the decision which the necessity of the case had forced them to adopt, and in the execution of their project how respectful they had been to the rights of the constitution. When, however, it was said, that they ought to repeal the Act of 1831 did that, he would ask, answer the meaning of the word "adequate?" That proposal went beyond the necessity of the case, and at the same time did not go far enough in respect of the very grievance that was to be remedied. It went beyond the necessity of the case, because it secured to the Government a large permanent fund; but in another point of view it did not meet that necessity, because when the Bill of 1831 had been repealed, the Assembly would still not be precluded from carrying on a war of annoyance; for 100,000*l.* per year would still remain in their hands, to be voted in annual supplies. He should state also to their Lordships, that, together with the present proposal, it was the intention of the Government to make every possible improvement in the Legislative and Executive Councils. They intended likewise to take advantage of the tracts of country that were unoccupied, in order to open new outlets for the surplus population of this country. It was their intention to avail themselves of the situation of the country, and to fix the boundary of Lower Canada by the river Saguenay. It had been matter of complaint, and was certainly true, that these populous colonies had hitherto advanced in an insulated manner, each regarding its own local interests, without reference to each other—without mutually leaning on each other. But there could be no doubt that, as they multiplied relations with the parent country, they must multiply relations with each other; and the only danger was, that jealousies and differences might arise amongst them in matters in which in reality they had one common interest. It was necessary then that there should be some presiding power in order to conciliate and harmonise any such differences; and the last of the resolutions which he had to submit to their Lordships was to appoint a Committee for consulting upon their common interests. Looking to Upper Canada, it would be seen she was advancing with gigantic steps, not only by increase of population, but by the influx of strangers. The population in twenty years had increased from 90,000 to 400,000. That province, however, was landlocked, and had no outlet of her own; they could not avail themselves of the St. Lawrence. The people of Upper Canada had prayed to be placed in a more favourable situation, and had begged that Montreal and the town of Montreal should be added to that province. It had been suggested, therefore, that a Committee should be appointed, to be composed of men chosen from each House of Legislature of each province. This would have the effect of diffusing a new influence—of elevating the public mind; whilst measures recommended by such Committee would come with great weight to the different Houses of the Legislature, and would outweigh the obstinacy or ignorance of party, whilst it would enable the parent country to appreciate, and better inform herself of the wants and wishes of the people of the colony. It could not be denied that the time would arrive when the relations between the mother country and her several dependencies might require some modification; and in that case the authority and influence of the body to which he had been adverting, might be most advantageously exercised towards all parties. The noble Lord concluded by moving, that their Lordships concur in the resolutions under their consideration.

The Earl of *Ripon* felt himself placed in a peculiar situation, because he was responsible in some respect for the present state of this question, inasmuch as he had proposed the act of 1831. The present state of the question was the effect, not of that act, but of the manner in which the colonists had acted with respect to it. He thought his noble Friend had misunderstood him with respect to the commission. He certainly had on a former occasion said that he entertained considerable doubt of the propriety of sending out that commission, and he saw nothing yet to remove that doubt. It was a remarkable fact, that after the five reports had been published by the Commissioners, one of them, a learned Gentleman of great talent, annexed to the general report which bore his signature a separate report, in which he advanced a great variety of opinions which were not consistent with the general report. No sooner, indeed, had he done that, than a gallant Colleague ranged his batteries against the annexation, and not only poured his broadsides into it, but also into his own works. He did not know how to reconcile such inconsistencies. He believed he must reckon himself amongst the ardent spirits alluded to by the noble Lord, for he was a party in 1834 to deal with the act of 1831 in the way his noble Friend proposed to deal with it, feeling as he did that there was some necessity for a modification of the law. But that course was never properly followed up in consequence of his noble Friend going out of office. He would add, that his noble Friend also did not think a commission necessary; and on the whole, he must say it was rather a dear bargain. He felt no disposition to offer the slightest opposition whatever to the resolutions of the noble Lord, but there were some objections he entertained to the wording of one or two of them; for instance, it was said, that "in the existing state of Lower Canada" it was not advisable to introduce the elective principle into the formation of the Legislative Council; the inference was, that a state of things might arise when it would be considered advisable to do so; but he must say he could not acquiesce at all in the principle under any circumstances he could contemplate. His policy had been to act on two principles—first to abide, as strictly as possible, by the recommendations of the Canada Committee; and in the next place to make the Government of the colony as conformable to the principles and constitution of this country as he possibly could. The noble Lord read an extract from a despatch sent out in 1830, relative to the colonial revenues, he also read several despatches of Lord Aylmer, to show that he had been justified in the course which he adopted in reference to Canada, when Secretary for the Colonies. He had been rather astonished at the new light which had broken in upon the House of Assembly after these despatches respecting the necessity of an elective council. It was quite a new and after-thought, and he was quite justified in saying that all the proceedings of Government at that period had been quite in conformity with the opinions expressed by the Legislative Assembly. It was not reasonable or just, therefore, because individuals had not thought proper to follow their dictation, to impute to them any blame for what had taken place. If their Lordships would take the trouble of reading the despatch of Lord Aylmer of the 7th of July, they would perceive that he had there entered upon every point which formed a subject of grievance, and detailed the remedies to be applied for their removal. On turning, then, to the answer of the House of Assembly, or rather to their resolutions, their Lordships would find a most unequivocal proof of the feeling with which the Assembly had received the noble Lord's address, and how far they conceived his proposed remedies would remove the grievances of which they complained. Their Lordships would, in fact, find that the Assembly had admitted in the strongest manner that they were satisfied with the tone of that document. In reference to the Address of the Assembly, the governor said that he hoped it would be a happy presage of the extinction of all differences between the Executive Government and the House of Assembly. In that manner had the Governor understood the Address of the Assembly, which did not contain one syllable calculated to convey to his mind the impression that they entertained any other feeling than that of the most unqualified satisfaction at the way in which the question had been disposed of. On the subject of the civil list the Assembly of Upper Canada, whose grievances had not all been remedied at the time, had not hesitated a moment to adopt the proposition which had been submitted to them. They had granted the civil list in compliance with the demand made by his Majesty. The sentiments which had been since expressed by the Assembly of Lower Canada he did not consider to be in accordance with those of the people at large; and although he did not pretend to say what the circumstances were which had led to the expression of those sentiments, yet, in his humble judgment, they were of such a nature as called for the interference of the Imperial Parliament, in order, in the first place, to remedy the evil arising from the non-performance of the legislative functions of that Assembly; and, secondly, to prevent the colony from being left a prey to designing and mischievous men. There was not a place in the civilised world so lightly taxed; its soil was most productive, its commerce was extensive and increasing; everything had been done to extend its connexions with other countries, and, such being the case, he must say, that it was one of the greatest misfortunes that could be inflicted upon a community to have such preposterous demands set up—demands which would undoubtedly interfere with the prosperity of the country, and which had already led to the necessity of legislation in the Imperial Parliament. With regard to the last resolution, he had conceived that it applied solely to certain points connected with the financial interests of Upper and Lower Canada, and the receipts and distribution of taxes received at Quebec; but from what his noble Friend had stated, he perceived that it was to create a Committee, to be formed of delegates from various provinces, a design of much too great a magnitude for him to give an opinion on at present, or, indeed, unless his noble Friend would bring it forward in the shape of a Bill. Under these circumstances, he would wish it to be understood that in voting for the resolution he was not bound to all the points which it embraced.

Lord *Brougham* rose with unfeigned pain to offer to their Lordships some observations on the question ; not only on account of the thinness of attendance, leading to the presumption that their Lordships took it for granted there was no objection to the resolutions under consideration, but because he was aware of the utter hopelessness, in the temper of all their Lordships, present and absent, of offering any arguments to alter their opinions, or to stay their proceedings on the subject. After, therefore, stating his sentiments on the subject, he would enter his protest on the journals against the decision to which he was quite aware their Lordships would come. In fact he was in some doubt whether to sit down now, or to continue for a short time his address to their Lordships. His noble Friend had expressed a favourable opinion of the labours of the Commissioners, and, no doubt, had rested some of his arguments on the report which they had made. Now, he would not deny that they had performed their duty in an able manner. He had the greatest respect for the Commissioners—he had known one of them long—he had known another for some time—and the third, it was admitted on all hands, had the best possible character. He found, however, whether from the constitution of that Commission, or the variety of labours they had to perform, that the Commissioners differed materially on many important points, and on that account had come to a different conclusion from that adopted by his noble Friend. His noble Friend considered the opinion of the Commissioners the more valuable on account of its discrepancy ; and he would agree with him if they had for the same reasons to come to the same conclusion. They had collected abundant evidence, and acquired abundant information on a vast variety of topics; and in the end, though not in a very intelligible way, they had come to nearly the same conclusion ; but their reasons were not only different, but totally repugnant to one another. And to such an extent was that carried, that any person who was unfavourable to the line of policy proposed by the Government had only to dip his hand and he would find most satisfactory reasons for differing from that policy, and, in like manner any one who approved of that policy would find in the Report the most satisfactory and irrefragable evidence in support of his views. Now it certainly did diminish the authority of an opinion founded on arguments not only differing in themselves, and not only even the arguments different, but the parties joining in drawing up the report seemed to enter into a sort of conflict, by stating the reasons for the opinions they entertained, and answering the arguments and opinions of their colleagues. His noble Friend had at considerable length endeavoured to show that the Legislature had a right to interfere in consequence of the state of affairs in Lower Canada, and the noble Earl who spoke last had made some remarks about repealing the act of 1791. On that point, however, he would not enter, because he was fully convinced, and he believed it could hardly be denied, that as far as circumstances would allow, making allowance for the difference between a colony and independent state, they ought to give the same constitutional principles of legislation to the provinces that they all admitted were necessary in the mother country. The only difference that ought to be made must arise from the circumstance of the one being, to a certain extent, dependent, and the other independent. The Commons of England had the control over the executive by means of the control they had over the public purse. The Lower Assembly in the colonies had the same control over the executive—they had control over the public purse as in England; and admitting all that—admitting that the mother country gave them the power of stopping the supplies—yet, notwithstanding that power, the estates of King, Lords and Commons might step in between the parties, and set at nought the control of the representatives of Canada over the purse of their constituents. That, it would be admitted, made the greatest possible difference. Now, so far from not giving them that control, his opinion was quite the contrary, because he thought it only just and fair that they should possess it, inasmuch as their power as regards the Crown would be impotent without it, and it would tend much to place in safe keeping the union of the two parts of the empire. His noble Friend had rested one of his arguments on the great inconsistency of the House of Assembly respecting the proposition for making the Legislative Assembly elective, and had stated that their opinions entirely differed from those which they had put forth on the same subject four years ago. Now there was nothing extraordinary in that; for the very same circumstance had occurred in this country. It could not be denied, that persons in the United Kingdom felt very deeply interested, and unequivocally expressed their feelings in certain changes in the institutions of the country—in the reform of Parliament, for instance—in what some might call restoration, and others improvement; but call it by what name they pleased, whether improvement, or alteration, or restoration, it was an undoubted fact that there had been substantial changes effected within the last five or six years, and effected, too, with the concurrence of the people of England, Scotland, and Ireland. That the mass of the people were anxiously set on change no one could deny. But it was said, the House of Assembly had changed their opinion about the constitution ofthe Legislative Assembly; but had not the House of Commons as completely changed? Had not the House of Commons in the first Session of a reformed Parliament, as compared with the last Session of an unreformed Parliament in 1830 or 1829, and still more as compared with preceding Sessions, as much changed as the House of Assembly of Lower Canada respecting its opinions on the constitution ofthe Legislative Assembly? He was clearly of opinion that the divisions which had taken place in the House of Assembly was as complete and entire a proof as possible of the opinions of the people of Canada, and they also proved, that there was a very strong and an universal feelingin favour of such a change as was embodied in the prayer of the petition presented to their Lordships' House, and in the resolutions agreed to by the House of Assembly. That appeared to him an important proposition. His noble Friend said, there was a large party in the colony who were opposed to such a change; but certainly no such conclusion could be properly come to from the resolutions passed by a great majority of the representatives of the inhabitants. These resolutions, in his opinion, expressed also the opinions of the people at large. Among the two classes which composed the population of Lower Canada, the French and the English, there, no doubt, were different shades of opinion, and the English generally, it was believed, were less anxious for the change, and some of them had great repugnance to it. The greater portion of those who were averse to the proposed alteration were merchants; but these formed a very small portion of the community, and he might safely assert; that it was nearly the universal opinion, at least the opinion of a very great majority of the inhabitants of the country—he spoke of the great proprietors as well as other inhabitants in general—that some such change as that proposed in the resolutions should take place. These resolutions had been repeatedly carried in the Assembly by majorities of five, six, seven, and eight to one. The Assembly had been dissolved, but when it again met, the majority not only was not diminished, but was greatly increased. But it was said the people were not fairly represented, and the members did not express the sentiments of the community at large. He could not see any weight in such an argument, when it was a fact that these members were returned by forty-shilling freeholders—by persons, in fact, holding land by any tenure—inhabitants of houses rated at *5l.* a-year, and that there was a majority of fifty-five to seven in favour of the resolutions in a house composed of members returned by such a constituency. He could not, therefore, conceive it possible that persons so qualified could entertain any other opinions than those expressed by their representatives. With regard to the statement that there were two classes of inhabitants, of different languages and different religion, he thought that was an argument to which they ought to turn a deaf ear, for he did not see how these circumstances ought to interfere with the claims of justice; and if it were adopted as an argument for making a distinction in Canada, why should not the Government lay down the same rule for Ireland as regarded the Protestants and the Catholics—the former preponderating a great deal more in Ireland than those of French descent did in Canada? But it was said there was a division among the Protestants in Ireland, and was there not also the same division among the English in Canada? The French population amounted to about 400,000, and the English to 150,000, and as there was a majority of eight to one in the House of Assembly, he was compelled to come to the conclusion, that though there was great union among the French, some portion of the English must be represented by that body. It was said also by the noble Earl opposite, that no country enjoyed more free institutions than Canada—that they had trial by jury, that they elected their representatives, and enjoyed all the rights of freemen. No doubt they enjoyed personal freedom as much as the people of this country; but that was not the question. The question was as to political independence and political rights, which could not be long disjoined from personal liberty, and that the colonists appeared to understand. The moment political rights and political independence were broken down, it would be folly to talk of security to personal rights. The noble Duke opposite (the Duke of Wellington) said, some years ago that the people of this country were the happiest and the most peaceable in the world; that there was nothing more entire or more unbroken than the peace, the political rights, and prosperity of these happy islands. No doubt there was security for property; they had trial by jury, they had a Parliament, though their voice was not very much heard, yet the noble Duke thought it the best constitution that could possibly be devised, and only wondered how any change should be thought of. The noble Duke might be perfectly consistent in adopting these resolutions, but the people of England then thought, as the people of Canada began to think, that the question was not whether they had trial by jury and a Parliament, but whether they had the means for ensuring a method of good government, and felt assured that the only way to obtain and preserve personal freedom and personal rights was by asserting their political freedom and political independence. It had been said, that there was no other way of governing a people than by conceding every thing they demanded. Now, he could not go so far as to say that there were no other principles of government but that of leaving the people to govern themselves. Far indeed would he be from adopting such a rule of political conduct; but there were others who, it would appear, had considered such government the best, and had quoted an exaggerated speech of Mr. Fox in support of the doctrine. He certainly was surprised to hear that such language had been used, and he had therefore referred to the reported speech, and found there could be no doubt that such language had been used. The words of Mr. Fox alluded to were—“ I will concede, and if I find that concession is not sufficient, I will concede more.” And it had been inferred from that that the only mode of governing a people was to let them have their own way. He was not induced to go so far; but if that was the principle to be acted on as regarded Ireland, he must totally disapprove of confining it to one country and not extending it to all others, unless it could be shown that there was something in the situation of these countries that could justify a departure from the general law—unless there was a high expediency amounting to state necessity, he never would confine a rule to one country, and exclude it in the management of the affairs of other countries. Now, what were the circumstances which would induce their Lordships to treat one country in one way and another in another?—one on the principle of conciliation and the other on that of harshness. He was sure that the rule was not that the greater the importance the more mildly should the country be dealt with, for that could not be laid down as a rule of justice. For his part he would rather say, look at the less important country, and treat that with kindness and in a spirit of conciliation, and the more so because it was more thrown on your protection. He was equally sure that the proximity of the country or its power could not be adduced as an argument for adopting a one-sided policy. He was quite sure that his noble Friend did not think that a country had a greater claim to justice on account of its great power and weight, and that he would not mete out justice and kindness according to his apprehensions—according to his hopes or his fears. He was quite sure that his noble Friend who had introduced the resolutions would be the very first man to repudiate such a doctrine. It was wholly at variance with the nature of his mind—it was totally at variance with his political feelings and his political conduct on former occasions, as well as his conduct since he had become more immediately connected with the colonies; it was utterly alien to his disposition to mete out one sort of justice to a colony or part of the empire that was near and powerful, and, therefore, not very safe to resist, and mete out another to a country that was more remote and which it would be perfectly safe to resist. He was sure his noble Friend was the last person in the world to adopt such a principle; and yet from the nature of these resolutions he was afraid that a very different sort of policy from that which he knew was congenial with the feelings of his hon. Friend would be adopted. The sum and substance of the argument then was, that they ought to apply to Canada the same principles of conciliation and of kindness, giving the same friendly and attentive ear to their remonstrances, and going as far as they could towards granting their prayers as to their fellow subjects nearer home. The question then arose, should their Lordships sanction the alteration which the Canadians required in their constitution—that was, should the people of Lower Canada have an elective council, or a council for life, as at present constituted? His noble Friend who opened the debate viewed with great repugnance the idea of what he called an organic change in the colonial constitution—an alteration of so violent a nature, that in his apprehension it was capable of totally subverting that system of legislation which he deemed so perfect, and of being fatal in its consequences to the value of that political idea which he attached to an hereditary branch of the Legislature. But the elective principle was not so considered at the time the Canadian constitution was adopted. Men did not shrink with horror at the notion of an Executive Council in those days, yet those were days in which political, he would not say prejudices, but strong political opinions on either side were running pretty nearly as high upon such questions as now. The proposition for making that very Canadian council elective was, in the first instance, brought forward by Mr. Fox, and though not approved of by Mr. Pitt, yet it was to be observed that both Mr. Pitt and Lord Grenville, and all who joined in that Bill of 1791, stated it to be but an experimental measure, and prophesied, in express terms, that a time might be looked forward to when it would become necessary to revise and, possibly, change that measure. His noble Friend had said, if an elective council were established in Lower Canada that difficulty would arise with respect to Upper Canada; but he begged to remind his noble Friend that the avowed object of the measure of 1791 was to separate the two portions of Canada, giving a separate government to Upper Canada, which was almost peopled by English, and also a separate Government to Lower Canada, where the great mass of the people were French. The object was, that the English might continue to enjoy their own laws and institutions, and the French to enjoy, if not institutions, at least their laws—the making the laws coincide with the prejudice and feelings of the people being part of the plan then proposed. So far as high and venerable authorities went, therefore, they were in favour of the propriety of consulting, as far as might be, the wishes and opinions of the people of Lower Canada. The experiment of 1791 had been tried about forty-five years; and could they really say, when they considered what had been the results, that the experiment had altogether succeeded? He thought it would be a strong proposition; nay, that there would be great difficulty in saying that it had not altogether failed as regarded the Legislative Council. The Legislative Council had undoubtedly failed in securing the objects for which it was originally intended; it had met with nothing but heartburnings, jealousies, and disunions among the different parts of the Legislature, and had ended in bringing things to a stand still. That the great objection was that pervading flaw in the original constitution—that prevailing vice in its concoction, which Mr. Fox took the first opportunity of exposing and proposing a remedy for—no man could, whatever opinions he might have in other matters, possibly doubt. He could not help thinking that, as an experiment, the Legislative Council had failed most signally; neither could he the less help thinking that this signal failure afforded some grounds at least for lending a favourable ear, if not for at once acceding to the request of the people of Canada. It was easy to talk as both his noble Friends had done of the necessity of having not only an executive and a representative body in Canada, but also a third body answering to the House of Lords; it was mighty easy to say, because they considered a House of Lords in this country as a necessary component part in the constitution, therefore nothing could give the benefits of a British constitution in Canada unless it had something that might constitute a bad parallel with the House of Lords. But when their Lordships came to consider the nature of the thing, they would find that all they had really got in Canada was the name. The upper House there was only in name and nothing in its nature like the House of Lords, because the constituent parts of such a House existed not, and could not exist, in that country. The best part of the argument, however, in favour of an elective Council was, that by establishing it they would not be departing from what were the intentions of the framers of the original constitution. Those who read the debates of that day would find that it was not to a Legislative Council such as now existed that the original framers of the Canadian constitution looked forward. They were looking forward to a Legislative Council that would gradually form itself into an hereditary body—that would be really something like the House of Lords, and something like an aristocracy. Accordingly one of the provisions of the Act enabled the Crown to grant hereditary power to such persons as the Crown should think fit. What was it that made the House of Lords an important and, as many thought, an essential and indispensable part of the constitution of this country? Not because it was a second chamber differently composed from the lower House. It was because it consisted of a different body of men —different in their political nature, always sitting, endowed with other qualifications, some of an accidental nature, such as rank and fortune, and wholly independent of the popular choice. That would apply, no doubt, in the case of the Council of Canada, and it was the only one point in which that Council and their Lordships' House could be said to resemble each other. He did not think that it was the qualification belonging to their Lordships of the greatest advantage—it might be all very well—many thought that it was much better for this House than the elective principle or what was called the principle to secure responsibility—a principle which some thought should not in their Lordships' House prevail at all. The bulk of their Lordships were no doubt of that opinion. But it was a different thing to say so of the Upper House in Canada. If the Members of the Upper House in Canada were to have no other qualification for their independence—if they possessed no other qualification by which to command the respect and confidence of their fellow-citizens—then we must take the liberty of saying, that the less they were independent of popular control, and the more they were made responsible in some way to somebody, so much the better. He certainly thought, upon the whole, that if the elective principle were introduced into the Legislative Council it would be an improvement. Mr. Fox thought it should be elected by the House of Assembly, but he doubted the wisdom of that system. It had always given rise to very great mischiefs wherever it had existed. It was, however, equally clear that the second chamber ought not to be constituted in the same way as a House of Assembly; the only advantage of which would be the further consideration of the same measures by almost the same body of persons. Why, then, the conclusion was, that the Legislative Council ought to be chosen by a different body of electors, with different qualifications as well in the electors as in the elected, and also for a different period of time. That some such body would answer its purposes better than the Council as it was at present composed, and would produce greater harmony between the different parts of the Government than had hitherto been found to exist, he must say, after the best consideration he could give to the subject, he for one could entertain no manner of doubt. His difficulties were with respect to the details and the mode in which the alteration ought to be made; but that some such alteration would be perfectly desirable was the result of whatever attention he had been able to give to the subject. But that which he considered the vice of this whole question—that which he protested against—that without which, and if it had not been in these resolutions, he should not have felt disposed to trouble their Lordships with any observations, was the proposition in the eighth resolution for taking the money of the colonists and appropriating that money in the teeth of an Act of Parliament solemnly made, voluntarily made, given to them either as a concession of justice to their claim of right, or as a concession of conciliation and of kindness, voluntarily, and without the pretence of force; and in whichever of the two lights he could conceive it, he must regard the proposition embodied in the eighth resolution as wholly unworthy of the people, of the Government, and of the Parliament of this country. The power which it was now proposed to take from the House of Assembly and the people of Canada was given to them by the King, as Lord Aylmer told the Assembly, cordially and of good will to his Canadian subjects—thereby vesting in them absolute control over their own money. With what grace could they now retract it? Nay, it was worse than retraction, for it was not proposed to repeal the Act of 1831. No: it was said, "Let that Act continue which makes you independent, but then you have deceived us during these four years, and therefore we will put our hands into your money-chest and apply its contents as we please." It was said that this country had been disappointed; but they had no right to suppose from anything that passed previously to the Act of 1831 being introduced, that it was quite certain that the House of Assembly would grant a civil list. His noble Friend himself had referred to a passage in the correspondence which showed that the Government had been warned, and that it was very possible that the Assembly would not grant a civil list. It was only fair to the House of Assembly to say that they never held out any prospect of the kind upon any occasion; or had done any thing to justify this country to say that the Assembly had deceived us, and induced us to grant them this privilege in the expectation that they would in return provide a civil list. For, in the event of the Assembly not granting a civil list, his noble Friend (the Earl of Ripon) pointed out what Lord Aylmer ought to do, and what, as a constitutional measure, ought to be done; and what was it? Not to lay hold of the money of the people, and apply it as he thought fit. No such thing; that was not the consistent and constitutional course which his noble Friend directed Lord Aylmer to take in the event of the Assembly refusing to grant a civil list; but it was that he should refuse to pass their Bills. Their remedy againt him was to refuse supplies; his remedy against them was to refuse the royal assent to their Bills. Without saying, that the Assembly had taken the best course for obtaining their ends, yet he begged to ask for what purpose was it that they valued the power of controlling their own money? Was it that they might grant supplies as a matter of course? Was it that they were vested with the power and discretion of granting or refusing supplies, but that they were to exercise that option in one way only? That they were to have the power to use their money at their own good-will and pleasure, only upon the condition that they should be pleased to use it according to the pleasure of this country? Why, good God, what use was it to give it to them? For what did they value it? For what did they want it? They wanted it—by possibility they could only want it with one view, namely, that they might have the power of exercising it for a cera n purpose; and for what purpose in the world but to obtain, from time to time, those measures which they could not obtain without it? Those who granted them that power, did not expect they would so soon exert it. Still, was that a reason for taking it back from them? They wished to have that power, not for a name, not for an ornament, not for a title, but to give them practically a certain weight and influence in the Government of their country. He could not help rather wondering at the noble Lord, who opened the debate dwelling so much upon the other neighbouring provinces, and their late history, as connected with the present subject. That the noble Lord should exult very much at the recent events that had occurred in Upper Canada, he was the less surprised at, because, undoubtedly, a very great change appeared to have been wrought in the sentiments of the Legislative Assembly of that province. Instead of being about two to one, if not more, in favour of something like the changes required by the House of Assembly of Lower Canada, he believed that parties were now pretty nearly balanced, and that the proceedings of the Home Government were regarded with a less distrustful eye. But he thought the noble Lord had not the same reason to rejoice at the state of things in the other provinces. In New Brunswick, as he was informed, many difficulties and much discontent still remained. The state of Nova Scotia was far from being satisfactory, and Newfoundland had only very lately petitioned the British Parliament, complaining grievously of the treatment they had received from the Government. Upon the whole, then, he thought that the noble Lord had not so much ground for rejoicing in the state of the neighbouring provinces, as he would lead the House to believe. He repeated, that he did not expect that there would be any pause in the course they were then pursuing. He should be rejoiced to suppose that his noble Friend meant to be satisfied with passing these resolutions, stopping at them, and bringing in no Bill. It might, perhaps, be holding up the British Parliament in no very dignified attitude, to stop short at that point, as if it did not like to proceed further; nevertheless, anything would be better than to proceed in a course which he was perfectly confident would sooner or later produce mischief. That the colony should take up arms—that it should make overtures to the

United States—that it should even desire a separation from this country, and to be wholly independent of it, were expectations that he never would stop to express, nor stop to refute, for they were not worth consideration. He did not expect that even the last and least important of these things was at all likely to happen. He believed that the people of Canada were loyal and attached to this country, and if well treated would continue to be well disposed. He believed that they rejoiced in their connexion with the mother country. He believed that they would dislike a severance from it, and that they would regard as a calamity to themselves, any course of proceeding which should drive them, to adopt any steps that should seem to lead, even remotely, to a separation. That was his firm belief, but, at the same time, he very well knew that things which at first sight appeared exceedingly improbable, especially in contests between two such assemblies as the Parliament of England, and the local Legislatures of a colony, although they might at first excite little regard—although there might be no animosity in England, no ill feeling in Canada—yet he very well knew that the consequence of these contests, and the irritations which necessarily arose from them, was in the long run to produce mischief. That was the case originally with the North American colonies. The contest there began among some of the southern States, who refused to vote a civil list, and the very first coercive measure proposed in Parliament for the purpose of bringing those colonies to a sense, as it was called, of their duty, and of supporting—for that was the very language used then, as well as upon the present occasion—the honour of the mother country, and the dignity and independence of the Sovereign, was carried almost unanimously, there being in neither House of Parliament so much as a division upon the subject. Before another year had elapsed, God knows there were melancholy divisions upon the matter on both sides of the Atlantic, and every one knew the ultimate result. He did not mean to magnify the present question into anything like the same proportion of importance with the matters originally in dispute between this country and the North American colonies, although it was remarkable that the population of those colonies, when the Stamp Act passed in 1765, was not materially greater than the present population of British North America. When he threw out any hint of comparison between the state of affairs in America in 1764, and the present state of things in the Canadas, he did so for the purpose, not of predicting that there would be the same course taken—not for the purpose of showing that he was of opinion that England was likely to lose those colonies in the same way as she had lost the provinces of the United States—but to show that mischiefs, which at first no one thought likely to happen, did happen when once a maternal Government deviated from the right course. To treat the colonies well, to do them justice, to measure out to them the same justice, and the same conciliation as had been given, and was still in the course of being given, to the subjects of the Crown nearer at home, was the true, the safe, the honest, and therefore the best course of policy that could be pursued, and he only heartily regretted that he saw so little chance of its being adopted.

The Duke of *Wellington* did not intend to offer any opposition to the resolutions, although he did not exactly comprehend what course the noble Lord intended to pursue in consequence of their being adopted. He did not understand whether it was the intention of the Government to bring in any Bill or Bills founded upon the resolutions, or whether, acting upon the 8th resolution alone, it was intended to send out his Majesty's command to seize upon the money in the Canadian treasury, for the purpose of applying it to the payment of the civil list. If the latter were the course intended to be pursued, he must say that he considered it to be extremely unjust. The resolutions of that House, and of the other House of Parliament, could not give to the Government the power of issuing such a command. On the other hand, he could not understand what Act of Parliament could be brought in to enable the Governor-General of Canada to seize certain sums of mon y belonging to that province. He confessed he had always been opposed to the system adopted under the Act proposed by his noble Friend (Lord Ripon). He was opposed to that Bill from the commencement, because, in his opinion, the province of Lower Canada never manifested any disposition to make a provision for that which he thought most essential to the good Government and well-being of every society that could be brought together—the due administration of justice by learned and independent men. When his Majesty, under the provisions of the Bill introduced by his noble Friend, resigned certain important branches of revenue into the hands of the Canadian representative assembly, sufficient security was not taken that provision should be made for that service, which he maintained was the most important and most necessary to every society, wherever it might be placed. Upon the present resolutions, and upon the whole speech of the noble Lord, he would observe, that the Assembly of Lower Canada had not manifested any disposition to provide for the independent administration of justice, and that they had allowed those who had well performed those services, and the other services of the civil Government, to go on for between three and four years without providing in any manner for their subsistence. No one could read the history of the sufferings of the officers of the civil government of Lower Canada, without feeling that they reflected the deepest disgrace upon the authors of them. There were some men who had gone out from this country, for the purpose of serving his Majesty as judges in Lower Canada, who were literally starving, and compelled to pawn their books and clothes in order to to obtain a scanty subsistence for themselves and families. Such had been the condition of these men for the last three or four years, although, during the whole of that period, the Crown revenues had been made over to the Assembly of Lower Canada, who, with the money in the treasury, absolutely refused to make any grant to defray the salaries of the civil officers of the Government. Then, again, as regarded these resolutions, he must observe that the House of Assembly made two demands; they refused to provide a civil list, but they made two demands. First, they demanded that the Executive Council should be made responsible to the House of Assembly. In reply to that demand, the 5th resolution then before the House, stated with great propriety, that it was not expedient that the Executive Council should be made responsible to that body. The next demand was, that the Legislative Council should be made responsible to that body. The next demand was, that the Legislative Council should become an elective body. The noble and learned Lord who had just addressed the House, had certainly stated a great many reasons why that demand should be complied with; but all these reasons were referable to the wishes of the people. The noble and learned Lord, after stating that the House of Assembly insisted that the Legislative Council should be elected by the people, endeavoured at great length to prove that the House of Assembly, being elected by the people, must speak the voice of the people, and therefore, that it must be the wish of the people that the Legislative Council should be elected by themselves. But had that House, and the other House of Parliament, and his Majesty's Government, no other duty to perform, except to carry on the Government of Canada according to the wishes of the people of Canada, as manifested in the House of Assembly, by whom it was insisted that the government of the province should be made responsible to them, and who would not vote supplies to enable his Majesty to administer justice? Such being the conduct of the House of Assembly, the noble and learned Lord had, nevertheless, come down and told them that the Legislative Council ought also to be elective, in order to render it quite sure that there should be no independent Government in Lower Canada, but that the whole should be given up without reserve into the hands of these two councils, elected, as the noble and learned Lord proposed, by the people. He (the Duke of Wellington) really must say, that that was a system of Government which he for one could never consent to establish either in Lower Canada, or in any other dependency of the British Crown. What he said was this, that it was essential for the British Parliament to take care that justice should be administered; and, in order to its being well administered, that the judges should be independent, not only of the executive power, but also of the Legislative Councils and Assemblies. He observed, that the 4th resolution stated, "That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that province an elective body." He was certain the noble Lord opposite could not intend that any sort of doubt should attach to the meaning of the resolution. In that case, the words in which it was framed were not sufficiently explicit. Ministers, he supposed, either meant, or did not mean, to make the Legislative Council elective. He concluded from the terms of the resolution as it now stood, that they did not intend to make it elective for the present. He did not suppose that they had any design of carrying such a plan into execution hereafter, but the point was left in doubt by the employment of these words, "in the existing state of Lower Canada." Would not the meaning of the Government be expressed as well if they said simply, "it is unadvisable to make the Legislative Council of Lower Canada an elective body," leaving out the words to which he had referred. The concluding words of the resolution might then stand as they were at present expressed—"but it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence." That would make the proposition contained in the resolution perfectly clear and intelligible, and not liable to any misconstruction. Whilst it presumed nothing for the future, it would distinctly express the present positive intention of the Government not to make the Legislative Council an elective body. But there was another reason for making the alteration he suggested, and that was the manner in which the same proposition was treated in the 5th resolution. The 5th resolution said, "That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province." When the commencing words of the 4th resolution were compared with those he had just read, he thought their Lordships would perceive that they certainly conveyed a meaning which he was sure the noble Lord (Lord Glenelg) did not intend. He agreed with the noble Lord that the Government, in the administration of the affairs of the colonies, should be careful to avoid any acts of an unkind or ungracious character towards the local assemblies of those colonies, but at the same time, it was most desirable that the Government should avoid holding out expectations to them which they did not mean to carry into full execution. He believed it would be very desirable, indeed, to improve as far as possible, the composition of the Legislative Councils in all the British colonies of North America; but when the conduct of the House of Assembly of Lower Canada, in refusing to grant supplies for their own civil Government, and the due administration of justice amongst their own fellow-countrymen was remembered, he was sure their Lordships would feel more and more convinced of the absolute necessity of not subjecting the Government of the province to their control without some check. With these observations he would conclude, It was not his intention to throw any difficulty in the way of the resolutions, but he thought it would be well if the suggestion he had thrown out with respect to the fourth were adopted.

The Earl of *Aberdeen* said, he understood it was intended, under the 8th resolution, to replace the 30,000*l.* advanced out of the military chest to provide the means of defraying the colonial expenses. The noble and learned Lord (Brougham), who seemed so much shocked at the notion of interfering with the power of the House of Assembly to refuse the supplies, had himself been a member of that Government which made this advance, for which the House of Assembly prayed that an impeachment might be directed against the noble and learned Lord and his colleagues, for so unconstitutional and monstrous an interference with the power of refusing supplies.

Resolutions agreed to, Lord Brougham alone saying "Not content."

The noble and learned Lord subsequently entered the following

PROTEST on the Lords' Journals against passing the resolutions proposed by Lord Glenelg:—

DISSENTIENT.

1. Because, these resolutions, embracing a great variety of important subjects, upon which different opinions may be entertained by the same persons, were all put to the vote at once, in a House consisting of not a tenth part of the Members that frequently attend, when questions affecting the interest of political parties, or even individuals, stand for discussion.

2. Because, though some of these resolutions are justifiable, there are others, and especially the 8th, which set all considerations of sound policy, of generosity, and of justice at defiance, and will most likely be regarded as indicating a design to crush whatever spirit of opposition to the Executive Government, may at any time or for any cause, show itself in any portion of the North American colonies.

3. Because, it is the fundamental principle of the British constitution, which was intended to be established in Canada by the Act of 1791, and was finally promulgated in 1831, that no part of the taxes levied on the people shall be applied to any purpose whatever, without the consent of their representatives in Parliament; and this control over the revenue, ought, in a special manner, to be vested in the people of the colonies, seeing that it never can give them the same unlimited influence which it confers on the people of the parent state. For if supplies are withheld by the Commons of England on account of grievances, the Crown has no other resource, and the grievance must be

redressed; whereas, if the Commons of the colony withhold supplies for the like reason, the Crown cannot, by this proceeding, be obliged to redress the grievance, as long as the Parliament of the mother country is willing to furnish the funds required.

4. Because, the taking possession of the money placed by the British Parliament at the disposal of the colonial councils, without their consent, is wholly subversive of the aforementioned fundamental principle, and directly contrary to the wise and salutary principles of the Act passed in 1831. Nor does it at all signify that this is said only to be done upon the present occasion, and that the rights of the Colonial Parliament are represented as left unimpaired. The precedent of 1837 will ever after be cited in support of such oppressive proceedings, as often as the Commons of any colony may withhold supplies, how justifiable soever their refusal may be, or in whatever designs the Executive Government may be engaged.

5. Because the constitution of the council having been tried for nearly half a century, has not only failed to produce the advantages expected from it, but after occasioning the most serious evils, has ended in bringing the Legislative operations of the Colonial Parliament to a close, and there seems good ground to hope that the evils now complained of may be remedied by introducing the elective principle into the constitution of this body under due modifications. But the 4th resolution seems to pledge Parliament against ever introducing that principle, since it is not possible to conceive any circumstances justifying its introduction, if the existing state of things does not.

6. Because, the spirit in which these proceedings are conceived, is avowedly adverse to the opinions and desires of a vast majority of the inhabitants of Lower Canada, and the no less plainly avowed object in bringing them forward is, by the authoritative declaration of Parliament to put down the principles and to thwart the inclinations so generally prevailing among the people of that province.

7. Because, those proceedings, so closely resembling the fatal measures that severed the United States from Great Britain, have their origin in principles, and derive their support from reasonings, which form a prodigious contrast to the whole grounds, and the only defence of the policy during later years, and so justly and so wisely sanctioned by the Imperial Parliament in administering the affairs of the mother country. Nor is it easy to imagine that the inhabitants of either the American or the European branches of the empire should contemplate so strange a contrast, without drawing inferences therefrom discreditable to the character of the Legislature, and injurious to the future safety of the state, when they mark with what different measures we mete to 600,000 inhabitants of a remote province unrepresented in Parliament, and to 6,000,000 of our fellow-citizens nearer home, and making themselves heard by their representatives, the reflection will assuredly rise in Canada, and may possibly find its way into Ireland, that the sacred rules of justice, the most worthy feelings of national generosity, and the soundest principles of enlightened policy may be appealed to in vain, if the demands of the suitor be not also supported by personal interests, and party views, and political fears, among those whose aid he seeks; while all men perceiving that many persons have found themselves at liberty to hold a course towards an important but remote province, which their constituents never would suffer to be pursued towards the most inconsiderable burgh of the United Kingdom, an impression will inevitably be propagated most dangerous to the maintenance of colonial dominion, that the people can never safely intrust the powers of government to any supreme authority not residing among themselves. BROUGHAM.

HOUSE OF COMMONS,

Tuesday, May 9, 1837.

LONGFORD ELECTION.] Mr. *Lawson* rose to move, pursuant to notice, "that the names of the voters reported on by the Longford Election Committee be struck off the register of voters for the county of Longford." The course of the House, he said, was manifest, and he was very glad that the hon. Member for Meath had given notice of an amendment, as this would bring the question fairly to issue. If the register were not to be purified, the *bona fide* electors must inevitably be swamped.

Mr. *H. Grattan* said, that whatever might be the case in England and Scotland, the Speaker had clearly no right to authorise any clerk of the peace in Ireland to strike the names of voters off the register, and he therefore moved, as an amendment, a resolution "that the Speaker is not authorised to direct the clerk of the pece of any borough, city, or county in Ireland, to strike the name of any voter off the register."

Lord *Clive*, as Chairman of the Longford Election Committee, begged to say a word or two on this subject. It appeared to him, that many of the remarks which had fallen from hon. Members in reference to this Committee, could only have been made in entire ignorance of the subject. There could be no doubt that it was the duty of the Chairman of an election Committee to give his casting vote in cases where the numbers were equal, and this was a duty which he was bound to exercise as strictly as any other part of his duties. This point was settled by the clearest decisions of the House. The motion of the hon. Member involved the consideration of, whether the Committee had taken the proper course for bringing the result of their deliberations under the notice of the House. It was perfectly obvious, from the course taken by the Committee in striking off the names of ninety-three voters from the poll, that they considered those names ought not to be on the register. The resolution was come to by the Committee in its present shape, and it was for the House to consider whether, under the circumstances, the course taken by the Committee, brought it within the jurisdiction of the House. He must fairly admit, that he was not aware of the resolution of the House, of 1835, until after the Committee had separated.

The *Attorney-General* rose to express his strong objection to the motion of the hon. Member for Knaresborough, which sought by a resolution of the House to disfranchise ninety-three electors of the county of Longford. It appeared to him, that this would be a stretch of power greatly beyond the authority of the House, and that it would be a clear violation of the law. His first objection was, that the report of the Longford Election Committee in no respect corresponded with the resolution of the House of the 23rd of June, 1835. That resolution declared, that "if an Election Committee report to the House that any names ought not to be on the register, the Speaker shall take the necessary steps, by directing the town-Clerk, or clerk of the peace, to expunge those names from the register." The Longford Committee had made no such report as this; the Longford Committee merely reported that certain names ought not to have been put on the poll. It was quite clear that this was a very distinct thing from a declaration that these names should be expunged from the register. They might not have been properly put on the poll, because they were not old enough to register, or because they voted after the regular time for closing the poll, or on account of some temporary disabilities, but they might still retain a full right to be on the register, and to vote on another occasion for the county of Longford. The House must go by the resolution of the House of June, 1835, and not by that of June, 1833. The noble Lord said, he was not aware the resolution was rescinded, therefore the Longford Committee had made this blunder, they had supposed the resolution of June, 1833, was in fo e, whereas it had been withdrawn. The report of the Committee then rested on a resolution which was no longer a resolution of the House of Commons, therefore it was impossible that the House of Commons could act on that report. But he went much further, and he submitted to the House that the resolution of the 23rd of June, 1835, in so far as it extended to Ireland, if it did extend to that country—the hon. Member for Meath said it did not, he, however, would rather say, it was meant that it should—but he had no hesitation in giving it as his opinion, that so far as it did extend to Ireland, it was contrary to law. This House had, no doubt, the power on the petition of an elector, to determine whether a voter had a right to vote; but this House had by law no right to disfranchise a voter—it had no such right at common law, and the right it had, was given to it to be exercised only in a particular case. There was no proceeding could be taken by the House analogous to that of a *quo warranto* in the Court of King's Bench. Suppose the right of election to be vested in freemen, the House had a right to determine whether a voter was a freeman or not; but did a man cease to be a freeman because of a resolution of the House? No; he had a right to show at any future period that he possessed the elective franchise of a freeman, and the House had no right, by resolution or otherwise, to deprive him of his franchise. Before the passing of the Grenville Act, the House had no power to deprive an elector of the franchise, or to do more than determine if he had the right to vote at a particular election. When was this power conferred? Was it ever exercised before the union? Was it ever thought of till the Reform Bill passed? Many years before it passed there had been registration in Ireland; but neither under the Irish Parliament, nor under the Imperial Parliament, was it ever thought of that an Election Committee should disfranchise any electors that had voted. The English Reform Bill gave an express power to reform the register, or rather, to add those to the register who had been improperly left out of it, or take off those who had been improperly placed upon it. With regard to Scotland, the 25th section of the Scotch Reform Bill gave a similar power. In these cases, then, they saw that a Parliamentary power was given to this House, which it might lawfully exercise, but it was not given by the Irish Reform Bill, therefore, so far as Ireland was concerned, the law remained as it was before the Reform Bill passed—it remained the same as before the Grenville Act passed—in short, it continued what it was by the common law. They were not now considering what the law ought to be, but what it was. He must say, however, that if he were called on to decide what the law ought to be, he should hesitate considerably before he determined that the fate of these voters should depend on the capricious decisions of an Election Committee; he should desire to see the system of election Committees reformed and improved before he consented to their decisions being final as regarded the franchise of the electors. The law with respect to Scotland was, that the Committee had power to make a report, and on the report of the Committee, the House might adopt or reject names. In England it was the same. Now, he contended that the introduction of these clauses showed, that by the common law no such power existed. It might be said, that this was a *casus omissus*. He certainly could not say, whether the noble Lord opposite, when he was framing the Bill, had the circumstance in his contemplation—probably it was a *casus omissus*—but being so, the law remained as it was before the passing of the Reform Act. He contended, it would be the usurpation of a power not belonging to this House, it would be assuming a power which could not be lawfully exercised by Parliament, if they were to disfranchise electors. Under these circumstances, he could not agree to the motion of the hon. Member for Knaresborough. His grounds of dissent were two-fold, first, this report of the Longford Committee did not come within the resolution of the House, which was on the journals; secondly, if it did, so far as that resolution extended to Ireland, it was contrary to law, and they had no power whatever to act on it.

Lord *Stanley* felt considerable difficulty as to the course he should take on the present occasion. There were two questions before the House which were extremely different, and his opinion was, that he was in duty bound to vote against both. He should vote against the motion of the hon. Gentleman behind him, because he conceived the House was fettered by the vote of the Committee; and if he had any doubt on the subject, it would be removed by the stringent terms of the resolution of 1835, which limited the power of the Speaker conferred by the resolution of June, 833. He so far differed from the hon. and learned Gentleman the Attorney-General, that he thought it unfortunate that the Committee, whether intentionally or not, had not made a further declaration that they thought it expedient that these voters should be struck off the register; because he apprehended that they came to their decision on no such possible grounds as those suggested by the hon. and learned Gentleman, but the conviction on their minds was, that the voters in question were not, and never had been, possessed of the qualification. The effect of adopting the amendment would be, not that they did not disfranchise persons who had no right to claim to vote, but that in consequence of the omission (for an omission he believed it was) they would leave on the register of the county ninety-one voters whom the Committee had declared to be disqualified. He did not pretend to discuss the legal point; but he thought it was open to grave consideration whether the House had the power. Certainly the practice of the House had been to extend the resolution to Ireland. There had been one case since 1835, and a considerable number since 1833. He must say, he should hesitate before he agreed to the proposition that the Speaker had not the power of doing that which he found had been done uninterruptedly in so many instances. At all events, this was a point which ought to be discussed separately and distinctly, and he should press it on the consideration of the House, if it were not that the general feeling appeared to be that the law of Ireland as regarded registration should be put on a more satisfactory footing. He thought it time that the law of England and Scotland in this respect were assimilated to that of Ireland. If a better court of appeal were established than existed at present, he should be as opposed as any man to Committees of the House of Commons opening the register. He thought the more convenient course would be for the hon. Gentleman behind him, seeing that the sense of the House was against affirming his motion, to withdraw it, the hon. Gentleman opposite withdrawing his amendment. The consequence would be, that the law would not be decided by a hasty resolution on the one side; and, on the other, the Speaker could not issue a writ, the Committee not having reported whom they had struck off, Practically, no grievance would take place, no abuse would arise, and he hoped they should be able to come to a full consideration of the present state of the law.

Lord *John Russell* thought it was not to be regretted, that the Committee had not made a report precisely in the words of the resolution, because it might be the means of saving the House from coming to an immediate decision on the general question, which it was desirable to reserve for after consideration. He was the person who moved the amended resolution of the House in the year 1835. The previous resolution conferred on the Committee, the power to alter the poll by striking out or adding names; and the Speaker issued directions to have the register altered according to their alterations. He would give an instance of the system which had existed. A voter having been allowed to vote a few minutes after four o'clock, the time appointed for its close, his name was very properly struck from the poll; but, though properly struck off the poll, it did not follow that it ought to be struck out of the register, because that would be saying, that for having on one occasion voted a few minutes too late, he should not be allowed to vote in future. He thought there was sufficient ground for not proceeding with the hon. Gentleman's motion. He must say, with respect to another point, that the resolution, as now settled by the House, was still defective; and he did not think, that the Irish Reform Act, having included no provision for striking out voters by the authority of this House, it was competent to the House by resolution merely, to give that authority to strike out voters. He concurred with the noble Lord, who was of opinion that it would be better, on some future day, to decide the important question whether the resolution in question did, or did not, extend to Ireland; he thought it did not; but he would rather not determine the matter on an occasion like the present. He was prepared to vote against the motion of the hon. Gentleman opposite; and though he agreed with the view of the hon. Member for Meath, he was not disposed to support his motion at present.

Motion and amendment withdrawn.

POST-OFFICE DUTIES.] Mr. *Wallace* moved, that a Select Committee be appointed to report on the present rates of Postage, and especially to examine the improvements recommended, and the mode of charging Postage proposed, in a pamphlet by Mr. Rowland Hill, with a view to the general reduction of the Postage Duties. He highly approved of the suggestions in the pamphlet, particularly of the principle, that distance should not regulate the charge, but that there should be one uniform rate. The rate recommended by Mr. Hill, was very low, lower than it could be if the present amount of revenue were to be derived from the Post-office; but the principle was unexceptionable. In the United States, the charge for the letter was not more than the actual cost of conveying it. The advantages to be obtained from cheap Postage was manifest, from what occurred with respect to soldiers, who, having only a penny postage to pay, could easily communicate with their relations; and instances had been known, of persons who went into the army unacquainted with penmanship, that in a short time became constant writers to their friends. It was, he was told, observed by officers in the army, that the best soldiers had the most correspondence. Upon this point he begged to say, that he had received very valuable information from Captain Bentley. Having been a constant supporter of the Poor-law Bill, he asked of the Members of Government, whether it would not be advisable to allow those whom they compelled to go into the workhouse, to have the opportunity of communicating with their relations on the same terms as soldiers and sailors—that is, that they should only pay a penny Postage. If they did so, it would be, in his opinion, the best way of putting an end to the slanders and calumnies that were circulated respecting the working of the new system. He begged to say, that his opinion was, that as soon as stamped papers were allowed to be sold for envelopes, a great saving would be effected, the Chancellor of the Exchequer would be able to get his money in advance, nothing would be lost by the country post-masters, and ultimately the Post-office, he believed, would be merged in the Stamp-office. He wished to observe, that there was one point which was felt to be exceedingly inconvenient throughout the country. It was the way in which additional postage was charged. Neither a penny nor a two-penny postage ought to be charged upon letters that had already paid postage. Such had been, and still was, the practice in the Post-office; and that practice he believed to be illegal. He objected, secondly, to postage being superadded in any case. As to newspapers, they were assured by the Chancellor of the Exchequer, that the charge would no longer be made. In England, there were not less than 1,157 penny-posts; in Ireland, 211; and 165 in Scotland. In his opinion, London ought to be assimilated to other towns—like Dublin, Liverpool, and Manchester, there ought to be several deliveries in the course of the day. In Liverpool and Manchester, there were deliveries six times a-day; and in Dublin, four times in the day. He complained of the late deliveries of letters on Mondays; this was a fault that could be easily remedied. Another change that was greatly required, in order to enable the merchants and manufacturers of this country to keep pace with those of America, was to have their letters only charged by the weight. The last part of his notice referred to the detention of letters. A most stringent Act had been passed relative to this subject, in the reign of Queen Anne; by that act it was declared, that letters should not be detained. The Postmaster-General was bound to take an oath that this law should not be violated. A similar oath was taken by all in the Post-office. He did not say, that such an oath was intentionally violated, but he must complain of the detention of letters in the Post-offices. He believed, that the great cause of the plundering letters was the detention of letters in the country, in order that there might not be a delivery upon Sunday. Instead of the letters being detained in the country, they ought to be sent to the General Post-office. In London, the letters were safe; while in the country Post-offices the letters were opened, family secrets were disclosed, and money was abstracted. He had to observe, that if he brought an action against a post-master in the country for the detention of a letter, the Postmaster-General would come forward to defend that person. This was, he thought, a just subject for complaint. Last year, an act had been brought into that House for doing away with the office of Postmaster-General. He believed, that the right hon. the Chancellor of the Exchequer and the Government intended to do it away. That act had passed the House of Commons. There had been no division upon it in that House; but, like other good measures, it was met in the other House most unceremoniously, and very rapidly got its quietus. No sooner had the present Session commenced, than Members of the Government declared their intention of renewing Bills which had been thrown out by the Lords last Session. He had a sort of feeling, that the Bill would not be brought in. He put a question on the subject to the Chancellor of the Exchequer, another hon. Member put the same question, and the Chancellor of the Exchequer promised to bring in a Bill in April; and he stated then, that if the Bill was not brought in, now a month after that time, he should put a notice on the books to bring in such a Bill. He had the Post-office returns, which were sufficient to half fill a portmanteau, and he was sorry to be obliged to say, that many of these returns were falsified, either by altering the terms in which the returns were made, or they were not in the terms in which the returns had been called for. With regard to the harbours of Portpatrick and Donaghadee, referred to in his resolutions, he should wait until he heard what could be replied to him on this subject by the Chancellor of the Exchequer. Upon a review of the whole of the Steam-packet Department, it was his opinion that it was a disgrace to the Post-office; and that it had caused a great waste of the public money. He was glad that it had got into the hands of the Admiralty. In conclusion, the hon. Member moved for a Select Committee.

Lord *John Russell* begged to call the attention of the House to the state of the public business before them. It was certainly usual, when Bills were in Committee, that they should be proceeded with till the Committee was finished, and that while the attention of the House was occupied with the subject of the various clauses and provisions of the Bill, they should not interrupt the Committee. He had stated this to the hon. Member for Greenock before he made his speech, and that he proposed to proceed with the Poor-law Bill this evening. The hon. Member had chosen, however, to bring forward his motion, and had complained of the little progress made last year with the Post-office Bills, and also that they had not been introduced in the present Session. Now, he (Lord John Russell) would suggest to the hon. Member for Greenock, that such Bills as he thought necessary for the reform of that or any other department, were much more likely to be passed, if the attention of the House were not occupied with fifteen or twenty different motions on the subject. If, through such a course of proceedings, they were compelled at a late period of the Session, to send up a great many Bills to the other House, it would give them a justification for declining to take into consideration those Bills at so late a period. He thought, that they had had experience enough of the difficulties of such a mode of proceeding to come to some decision on the subject; and, therefore, he intended to move the Order of the Day for the House to resolve itself into a Committee on the Poor-law Bill as an amendment. He would not enter into the statements made by the hon. Member for Greenock, as he thought that the House would occupy itself much better by taking into consideration the subject fixed for this evening. He would not propose to resume the Committee to-morrow, but he would propose to resume it on Thursday.

Mr. Alderman *Copeland* concurred with the noble Lord, that when a Bill was before the House it was desirable to proceed with it. At the same time he could not allow this opportunity to pass without expressing his thanks to the hon. Member for Greenock for bringing this matter forward, and for the great attention which he paid to this subjec . He hoped that the Government would make some inquiry into the different rates of postage.

Mr. *T. Duncombe* saw no reason why they should not proceed with the subject before the House. He was as anxious as any man to make provision for the poor in Ireland, but he saw no plea for deviation from the usual course of the business of the House. The Irish Municipal Bill had been hung up in the House of Lords till the 9th of June, and the reason was that the Irish Tithe Bill and the Poor-law Bill were not disposed of. When an independent Member of that House gave a notice of a motion which he intended to make, it was rather hard to have such obstacles thrown in his way, and therefore when it came to his turn, he would certainly make the motion of which he had given notice, and he would persist in it.

The *Chancellor of the Exchequer* said, that it was far from the intention of the Ministers in taking the course suggested by his noble Friend, either to undervalue the objections made, or the plan proposed, by the hon. Member for Greenock. He certainly was prepared to show, and he thought he could state adequate grounds to convince the House, that the object the hon. Member for Greenock, had in view, would not be answered by the plan he proposed. The subject occupied the attention of his Majesty's Government at the present moment, and he hoped to be able, during the present Session, to state the result. He would ask the House if it was proper to refer a question, relating to a revenue of 1,500,000*l*. to the consideration of a Select Committee? He would also ask whether the steps taken by the present Government did not afford a pledge that this subject would be fully inquired into? They had already made a considerable reduction on the postage of ship-letters. They had shown at least what their wishes were, and he hoped that they would be enabled to realise them. He hoped that his hon. friend the Member for Greenock would withdraw his motion, to allow the House to proceed with a Bill that was necessary to the peace of Ireland.

Motion withdrawn.

Vote by Proxy.] Lord *John Russell* moved the Order of the Day for going into Committee on the Irish Poor-law Bill.

Mr. *T. Duncombe* moved the resolution of which he had given notice. "That the practice of any deliberative assembly deciding by proxy upon the rejection or adoption of legislative enactments is so incompatible with every principle of justice and reason that its continuance is daily becoming a source of serious and well-founded complaint among all classes of his Majesty's subjects;" and after the House should have affirmed that resolution, as he doubted not it would (for he could not believe that they would so far stultify themselves as to reject so reasonable a proposition), he would move, "That a message be sent to the Lords requesting a conference, at which the foregoing resolution might be communicated." He was happy to say, that he had good reason to believe that when the resolution in question should be so communicated it would not only be well received by that assembly, but would be warmly responded to by many of its most distinguished Members. He was well aware that in submitting these resolutions to the House, he was treading upon delicate ground, but he hoped that while he should certainly avail himself of that freedom of debate which was permitted to that (the Commons') branch of the Legislature he should yet avoid doing it in a manner at all offensive, or in any way trenching upon the privileges or independence of the other. He confessed he was at a loss to imagine what valid reasons could be urged against the adoption of the first of these resolutions; perhaps the antiquity of the custom might be pleaded as one, or the convenience of it as another; no doubt voting by proxy was an ancient custom, but that custom had undergone various changes (chiefly for the worst) at various periods of our history. The first notice to be found of proxies was in the reigns of Edward 1st, and Edward 2nd. when the Bishops of Durham and Carlisle were ordered to remain in Scotland, where they were defending the Marches, but were at the same time commanded to send up well-instructed persons to represent them; and from that time to the reign of Henry 8th Peers, when unavoidably compelled either by illness or employment by the King on foreign wars to absent themselves from Parliament, were enjoined to send proxies, but these proxies were not Members of the House, but men of lesser rank; the spiritual Lords being frequently represented by parsons, prebendaries, and any members of collegiate bodies whom they chose to send. So at all events up to that period those who were to decide upon the fate of great questions had at least the decency to hear those questions put. From Henry 8th. to Charles 1st. time a new and worse system obtained; any one Peer being then permitted to represent any number of Peers. In the reign of Elizabeth an Earl of Bedford, it appeared had fifteen proxies, and in Charles 1st. reign a Duke of Buckingham fourteen: this latter case, however, being much murmured at by the public, it was ordered by the House that thenceforth no Peer should hold more than two proxies—a rule which was still strictly observed. There has been, however, an alteration of recent date introduced. Until the close of the last century, Peers who wished for leave of absence were obliged to apply for it to the King, and were sometimes refused, as in the case of Lord Scroop in the reign of Henry 8th., when his servant and his medical man were under the necessity of making oath of that nobleman's sickness before his excuse was admitted; and a Peer being absent without leave forfeited 100*l*. In 1678 the oaths of two credible witnesses were required to prove a sufficient cause of absence for any Peer; but at the close of the last century it was decided, during the insanity of George 3rd., that the King's permission might henceforth be dispensed with; and so the last remaining protection that the people of this country had against blind legislation was for ever swept away. In 1695 Lords, Derby, Weymouth, and Lempster, having sent excuses which did not satisfy the House, the question in debate was sent to them, and they were required to return their assent or dissent in writing. In 1646, a curious and ludicrous instance of the impolicy of the custom of voting by proxy occurred. Lord Say and Sele, who then held Lord Mulgrave's proxy, having voted in opposition to the wishes of the latter Peer, Lord Mulgrave thereupon addressed a letter to the House, disclaiming any participation in the opinions expressed by his proxy, and his vote was accordingly changed to the other side. But what were the historical excuses urged in favour of the practice of Peers voting by proxy at all? Historical writers, generally speaking, gave none, but seemed all content to quote the dictum of Sir Edward Coke in his fourth institute, "that any Lord of Parliament, by licence of the King, upon just ground, to be absent, might make a proxy; but a knight, citizen, or burgess cannot, because he is elected and trusted by multitudes of the people." Blackstone, and other writers on the constitution, seemed also satisfied with merely quoting these words, without comment, excepting De Lolme, who said "the Lords were Members of the Legislature by virtue of a right inherent in their own persons, and they were supposed to sit in parliament on their own account, and for the support of their own interests: in consequence of this they had the privilege of voting by proxy, the Commons not having this privilege, as they were but proxies for the people." But he thought that the principle laid down by De Lolme and by Coke was completely set aside by the practice of the Scotch and Irish Peers, who were clearly not members of the Legislature by any right inherent in their own persons, but were themselves, like the Commons, proxies for others, and yet they voted by proxy. There were also the bishops, who were said to be representatives of the clergy: they, too, had no right inherent in their own persons to sit there, but yet they voted by proxy. He might be told "This is all very true, but what was the objection?" Why, the objection was, in the first place, that it was a proceeding contrary to common sense; and in the next, that it was a privilege generally used for the sole convenience of the Peer, to the great inconvenience and detriment of the interests of the people. We had at present 420 Peers — two-thirds of that number might be absent, and yet vote upon any question involving perhaps the welfare and fate of the country, and a majority of the remaining one-third, namely, seventy-one individuals, were to be considered superior in judgment and ability to the 658 Members of the House of Commons; or let it be supposed that 135 peers should be present during a debate upon a Bill, in framing and considering which the House of Commons should have passed many long and anxious nights, was it to be borne that when 100 of those present might have voted in favour of that measure, a miserable monopolizing minority of thirty-five, by simply emptying their breeches pockets of seventy proxies, enabling them to represent as many absent Peers, some of whom, perhaps, ere in China, others dancing at Paris, others amusing themselves at a Carnival at Rome, and some possibly in the grave—was it to be borne, he said, that these thirty-five should have it in their power to defeat such a measure and to disappoint the wishes of the country, and render futile the labours bestowed on the subject elsewhere? We might talk of the civilization of the people, and boast of our "free institutions," but this was one which was an insult to our understandings, and which he thought he had shown was not borne 200 years ago, and to which he could see no reason for submitting now. He had heard it said, that the Lords were responsible for their votes and acts to God and their own consciences; he believed that all men were so, but it did appear to him that the consciences of Peers in voting by proxy had an analogy to the equity law of chancellors, as described by Selden, when he said, "Equity is a roguish thing; for law we have a measure; know what to trust to; equity is according to the conscience of him that is chancellor; and as that is larger or narrower, so is equity. It is all one as if they should make the standard of measure a chancellor's foot; what an uncertain measure would this be! One chancellor has a long foot; another a short foot; a third an indifferent foot—'tis the same thing with a chancellor's conscience." Now, as chancellors and ex-chancellors were Peers, this rule might be thought to be applied to all, and it was just possible that one Peer might entrust his very long conscience to another Peer with a very short one; or if Peers were liable to the casualties and defects of other men, and it was not *scandalum magnatum* to disclose the fact, it might occur that some Peer might entrust his conscience to some other Peer with no conscience at all. In making this motion he could assure the House that nothing was further from his intentions than to increase any feeling of irritation which the conduct of the present Peerage might unhappily have given rise to. No one who had the public good at heart would wish in these times to widen that civil or that religious breach which was daily opening before us; on the contrary, he thought that much might be done by timely concession and mutual forbearance, at present the concession and forbearance had been all on one side; it had been entirely on the side of the House of Commons, for which reason he believed that the Peers of England did not hold so high a place in the estimation of the people as they had done; he still, however, believed that it was not too late for them to retrace their steps or retrieve their character, but then it must not be by repeating the errors of past Sessions; it must not be by calumniating, individually and collectively, the chosen representatives of the people; it must not be by accusing of perjury and infidelity those whose religious opinions happened to differ from their own; "nor," continued the hon. Member, addressing himself to the Speaker, "must it be by repeating those base insinuations which I myself heard last year levelled against that high office, the duties of which you fulfil with so much honour to yourself, and so much satisfaction to us. No, the public confidence and esteem can only be restored to the Peers of England by their frankly admitting that as human nature is weak, and the heart of man is frail, they, like other men, have been liable to error; and believing as I do that a repetition of those errors may be best avoided by the personal presence and attendance of those who, as legislators, are to decide upon the fate of questions involving not only the rights and liberties of the people, but the peace, religion and happiness of the country." The hon. Gentleman concluded by moving his resolution.

Mr. *A. Trevor* said, that the hon. Member for Finsbury told the House that he had no wish to widen the breach between that House and the House of Lords. The hon. Member had taken a very extraordinary mode of evincing that feeling. The hon. Member had taken the very means of aggravating that feeling. He ventured to tell the hon. Member for Finsbury, that if he anticipated, or if he was led to imagine that the House of Lords did not stand high in the estimation of the country, he was very much in error indeed. He should like to know what would be said if the House of Lords thought proper to move resolutions affecting the usages of that House? Such an attempt would, and most properly, be denounced in terms of the loudest indignation. He protested against the course adopted by the hon. Member for Finsbury, as inconsistent with the constitution and the privileges of the other, and equally independent, branch of the Legislature—a branch which enjoyed the respect, and he trusted would, ere long, enjoy the confidence, of all the well-disposed persons in the country; and when the hour of danger and of difficulty arrived there would be found ranged under the banner of the Lords a greater number than the hon. Member for Finsbury reckoned upon.

Captain *Berkeley* did not think that the hon. Member for Finsbury deserved the attack which the hon. Member for Durham had made upon him. He considered the resolution one of conciliation, and if the House of Lords took it in good part they would make a great advance in the good opinion of the country. If they received that proposition as he hoped they would, and give up the practice of voting by proxy, they would do much to conciliate the country.

Mr. *Tennyson D'Eyncourt* agreed with the hon. and gallant Member that the adoption of this resolution would tend to raise the House of Lords in the opinion of the country. If that House could be brought calmly and deliberately to review the privilege themselves, he was sure they would be disposed to give it up. With respect to what had fallen from the hon. Member for Durham (Mr. A. Trevor) as to the right of that House to interfere with the privileges of the other, he would venture to say that, the privileges of that and of the other House of Parliament were intended for the benefit of the people, and that House as the representatives of the people, had a right to review those privileges. He remembered several bills that had passed through that House after the most mature deliberation, and which had been read a second time in the other House with the assent of all the Lords present, and which, nevertheless, having thus received the assent of both Houses, were afterwards rejected in consequence of the proxies of those who were absent, and who never heard anything of the matter. These proxies were not given for a single individual occasion, but for the general voting on all legislative measures. It was intolerable in reasoning to suppose that a deliberative legislative body in the present state of civilization should have such a power of deciding on legislative acts. He would ask, did any legislative body exist in any other country in the world that were allowed to vote in this way. If the other House of Parliament had not long possessed this power, they would indignantly reject, and consider it an insult to make a suggestion to them that they should adopt such a privilege. Formerly Peers voted aids for the Crown in their own chamber, as the knights and burgesses did in theirs, and as the clergy did in convocation; but when the mode of taxation was changed, the reason for allowing voting by proxy was at an end, and no possible reason existed for the continuance of the practice. He did not conceive, therefore, that there was any impropriety on the part of his hon. Friend in bringing the matter before the attention of Parliament; but instead of the resolution that had been proposed, he would suggest that it would be better to come to a resolution to recommend the House of Lords to review these privileges with a view to the alteration of the custom.

Lord *Stanley* did not think there was anything very dangerous or alarming to the other House in the motion of the hon. Gentleman, or in the manner in which it had been received; and he did not think that either from the tone of the debate or from the feeling of the House any very serious result could be anticipated from it. He could not help feeling that the right hon. Gentleman who last addressed the House had upon his mind some proceedings connected with a more recent occurrence in that House than what had taken place in the other House of Parliament. The right hon. Gentleman brought forward a motion last night which he thought of great and overwhelming importance as regarded the constitution of that House, and notwithstanding this, the attendance on the right hon. Gentleman's oratory was not very great, nor was the effect very impressive. The right hon. Gentleman came down to night, and complained of what had occurred in one of the deliberative legislative assemblies of this country. He did not say which. He proceeded to ask, would any hon. Gentleman imagine that in a civilised country a practice could exist of some Members sending down others to vote for them on motions without hearing the reasons *pro* and *con*, and without having weighed well the reasons on one side or the other. "How was it possible," exclaimed the right hon. Gentleman, "for any person to give a proxy, unless after attentively listening to the *viva voce* reasoning on the subject. He (Lord Stanley) would ask what happened last night? Why did not the right hon. Gentleman consult the hon. Member for Mary-labone on this subject? Why did he not consult that hon. Gentleman as to the extreme impropriety, the unconstitutional course of proceeding, the custom so absurd that it ought not to be tolerated by a civilised people, of the members of the legislative assembly pairing off for two or three hours, for the purpose of refreshment, or the whole of the night, and then coming down to give a decision on a question on which they had not heard one word of argument. He knew that the right hon. Gentleman was very ill-treated last night during the period he was addressing the House; for while the right hon. Gentleman was speaking, there were hardly forty Members present, and because the division took place before ten o'clock, the hon. Gentleman had a large minority of eighty-seven. He knew that it was convenient for hon. Gentlemen to go away to refresh themselves, instead of attending to the arguments of the right hon. Gentleman; but might it not also be said, that this arose from the circumstance that they rather wished to hear a debate on a measure of much importance to the country instead of listening to the discussion of the motion of the right hon. Gentleman? It appeared, however, that with a view to refresh themselves, hon. Gentlemen paired off last night for two or three hours, and afterwards came down to vote without listening to any portion of the debate; but this he might be told, should be regarded as nothing, because a person by study might have been convinced of the reasonableness of a proposition without hearing the discussion. He admitted the force of this argument, but how a man could consistently give a vote for the whole of the Session on all questions that might become before that House was perfectly incomprehensible to him. And had they never heard in this House of such a practice as pairing off for a week or month, for half a Session, or for even a whole Session? He would not enter upon the question of the privileges of the House of Lords—the privileges of that assembly which represented only themselves, and which was actually an independent branch of the Legislature, the Members of which possessed the undoubted right, through other Members belonging to it, of voting by proxy. But, sacrificing all the force that this argument gave him, he was content to rest his case upon what he had previously stated, which was a valid argument, not against voting by proxy in the House of Lords, but against that House, because they were a representative body, and representing those that gave them legislative proxies; and the members of that branch of the legislature were nothing but proxies in that House. But setting aside the privileges of the other House, those who argued against proxies in the other House, and not against the practice of pairing in the House of Commons, were guilty of the most flagrant inconsistency. Hon. Gentlemen opposite said, that they had not heard any valid arguments for the practice of voting on a subject when the debate on both sides had not been heard; but, he would ask, as regarded the voting, whether they might not have heard the arguments urged in the course of a night's debate in that House. But those who made these attacks upon the privileges of the House of Lords should, both by precept and example, be satisfied that they should hear the arguments on one side as well as the other, before they gave a vote instead of allowing hon. Gentlemen to pair off for three hours of the discussion, and then come and vote, without being able to weigh the reasons that had been urged. What, then, became of the charge of such inconsistency in persons coming to a conclusion, affirming that conclusion by their votes, and yet not to have heard any of the arguments used. This was the inference from the argument of the hon. Gentleman, if his position was sound, but it certainly was not sound; but the inference followed necessarily from what he had stated. He did not consider that the hon. Member for Lambeth complained of the position in which he was placed, in Members coming down to that House to vote on the motion he brought forward who had not heard the discussion. He contended, that as a matter of consistency, hon. Gentlemen opposite must accompany the condemnation of pairing with that of proxy. But there was nothing inconsistent that the Members of the House of Lords, which was a body only representing themselves, and not elected to represent the people, should have the right of delivering their opinions by proxy as well as by voice. He must add, that it was most inconvenient to delay, by such motions, the business of the House, instead of expediting the Bills before them. There were many most important and very grave questions to be decided by that House, and if Gentlemen who had notices of motions on the books, would only look to the practical advantages likely to be derived from them, he hoped that they would see how desirable it was to proceed with those most important matters, to the result of which the country naturally looked with anxiety. Hon. Gentlemen when passing such severe censures on others, should turn some attention to the course now pursued in that House.

> "Oh that some power the gift would gie us
> To see ourselves as others see us."

He did not refer to one side of the House more than the other, but he wished to impress upon hon. Gentlemen how unnecessary it must be to proceed with notices of motions when other business of such grave importance was before them — when such indifference was manifested by the majority, that it was not possible to get together some thirty-five or thirty-eight Members. The real effect of putting these motions in the motion paper was, to put a stop to all business of real importance. He hoped, therefore, that Gentlemen would look to their own motions in the same view that other Members of the House regarded them, and would withdraw them from the notice-book, from the probability that discussions on such matters would lead to nothing. He was glad that his noble Friend, (Lord John Russell) had that night interposed by moving the order of the day on the first motion, for this showed equal respect or disrespect to all the motions in the book. He trusted that his noble Friend would proceed. He trusted that the hon. Gentlemen who had given notice of such motions would feel that it was better to proceed with the important Bills before them, than to the discussion of questions which could lead to nothing, and with respect to which the great majority of the people cared not one straw. He should vote for the motion of his noble Friend to go into the Committee on the Irish Poor Laws, even if the motion under discussion was of more importance than it was, but, above all, as it was a question open to very serious objections.

Mr. *Wakley* wished the noble Lord possessed the ocular gift to see himself as he was regarded by others, sitting where he did, and speaking and voting as was now his custom. If that was the case the House would have been saved from the infliction of that speech which the noble Lord had just delivered. He was glad, however, that only one Member had defended the practice of voting by proxy, and that Member was a noble Lord. It had been stated, that there was not one supporter of the motion of his hon. colleague in the country out of that House; but the truth was, that the question was rife throughout the country. The common sense of the nation cried out against the practice of voting by proxy, and he would tell the noble Lord that the common sense of England would not long endure the practice. Because Members paired off for weeks or months, was it a sufficient reason to justify the practice of sending pieces of paper from the continent of Europe for years together to authorise any member of a legislative body to vote for another? He, for one, thanked his hon. colleague for having brought forward this motion, and for the future it would become a sessional motion until it was carried. The noble Lord justified proxies by the practice of pairing in that House, but one abuse would not justify another. If the noble Lord did not approve of pairing as he appeared to do, why did he not bring forward a motion to put a stop to it? But what justification was that practice of voting by proxy? Hon. Members only paired for certain votes, but still it was a practice he condemned, and he was satisfied that it would ultimately bring the House into contempt, as it would appear, that Members, instead of listening, to the reasons adduced on one side or the other were prepared on all questions to vote with their party. He trusted that his hon. Friend would press his motion to a division, and he was convinced that in the course of three years he would carry it.

Sir *Robert Peel* stated, that when his noble Friend rose to address the House, a similar train of thought had passed through his mind as had been so ably just urged by his noble Friend. He trusted the House would not come to a vote on the present motion until they were aware of the principle involved in the motion, and also considered how they would hereafter deal with this principle. In the Bill which they would have to consider, he trusted, immediately after the present motion was disposed of, he found the following expression:—"And be it enacted, that it shall be lawful for any rate-payer, from time to time, by writing under his hand, to appoint any person to vote as his proxy in respect of any property not in the actual occupation of such rate-payer, and any such appointment shall remain in force until revoked." The hon. Gentleman had made an inquiry of one of the Members of the Tower Hamlets. He doubted not that hon. Gentleman would have agreed with him had he been present; but, as both the Members for that borough were absent he had no doubt but that they had paired off. He agreed in what had been said by his noble Friend as to the custom of Members pairing, and he thought while his noble Friend was speaking, that he would endeavour to draw up some resolutions as to their own practices which should be passed before they tried their apprentice hands to another assembly. His resolutions were to this effect:—First "Resolved that the practice of letting members of any deliberative legislative assembly vote without having heard all the arguments on both sides of the question, was incompatible with every principle of justice." His second resolution was this:—"Resolved, that the absence of Members by pairing, for several hours for the purpose of refreshment, and for several weeks at a time, from the question under discussion, without hearing the arguments which arose on such questions, was becoming a source of well-founded complaint among all classes of the community. He would ask the hon. Member opposite whether it was not clear that they should attack the evil in their own House before what might be good elsewhere? He agreed with one suggestion that had been thrown out on the opposite side, namely, that they should begin at home. They could not speak to the House of Lords on this subject before they reformed themselves on a practice which they had the high authority of the hon. Gentleman for saying it was bringing them into contempt. But supposing that the amendment of the hon. Member for Finsbury was carried, and was ordered to be sent up to another place—supposing, also, that an amicable conference took place, what should prevent the other House presenting them in return with a counter resolution? The hon. Gentleman proposed that this resolution should be presented to the Lords. He (Sir R. Peel) would propose that after passing the resolution he had read, as to not hearing arguments, and to the practice of pairing, the following resolution should be adopted:—"Resolved, thirdly, that the hon. Member for Mary-le-bone be requested to bring in a Bill founded on the previous resolutions." He would do this because that hon. Gentleman stated last night, that he was a metropolitan Member, and that he was convinced that the question before the House was regarded by the country as one of vital importance, and in comparison with which the Reform Bill was as nothing. He said, that he was only prepared with a crude speech, but feeling the vital interest of this question he felt bound to speak; but he concluded with stating, that he had paired-off till ten o'clock. He stated with a degree of kindness and candour that could not be surpassed that he thought it was too much for the House to come to a decision on this important question during the hours devoted to taking refreshment. He observed, that he had paired-off from seven to ten, and he earnestly entreated the House not to conclude the debate till ten o'clock. Seeing, however, the indisposition of the House to pause till ten o'clock, that his constituents might not think that he was absent, he had thought it his duty to make this crude and undigested speech to show the reason why he was elsewhere. Before they proceeded to discuss the clauses of the Bill which took away the right of proxy from the other branch of the Legislature, ought they not to consider what took place last night when one of the metropolitan colleagues of the hon. Gentlemen said that he had paired off till ten o'clock, but had spoken to show that he was present? What figure would they make before the House of Lords in presenting the resolution of the hon. Gentleman if this matter should become known? Therefore he would give this advice—namely, that they should not proceed with the resolution, but get rid of it by allowing the House to go into Committee on the Irish Poor-law Bill. It was not prudent to attempt to take away any of the privileges of a co-equal and independent branch of the Legislature, they should take the beam out of their own eye before they attempted to take the mote out of another's.

The House divided on the original motion: Ayes 129; Noes 81: Majority 48.

List of the AYES.

Agnew, Sir A., bart.
Andover, Viscount
Anson, Col.
Archdall, M.
Ashley, Viscount
Bagot, hon. W.
Balfour, T.
Barclay, David
Barclay, C.
Baring, F. T.
Bateson, Sir R.
Bernal, R.
Borthwick, Peter
Bowles, G. R.

Bramston, T. W.
Buller, E.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, Sir J.
Castlereagh, Viscount
Cavendish, hon. C.
Chandos, Marq. of
Charlton, E. L.
Clive, hon. R. H.
Colborne, N. W. R.
Cole, A. H.
Cole, Viscount
Copeland, W. T.
Corbett, T.
Corry H.
Crawley, S.
Crewe, Sir G., bart.
Cripps, Joseph
Curteis, H. B.
Dalbiac, Sir C.
Dalmeny, Lord
Darlington, Earl of
Dillwyn, L. W.
Dunbar, George
Duncombe, W.
Dundas, hon. T.
Egerton, Sir P.
Elley, Sir J.
Elwes, J.
Fector, John Minet
Ferguson, Sir R. A.
Fergusson, R. C.
Foley, Edw. Thomas
Forbes, W.
Forster, Charles S.
Freemantle, Sir T. W.
Freshfield, J.
Gaskell, Jas. Milnes
Gladstone, Wm. E.
Goulburn, H.
Goulburn, Sergeant
Halford, H.
Hamilton, Geo. Alex.
Hardy, J.
Hayes, Sir Edm. S. bt.
Heathcote, Gilbert
Hogg, J. W.
Houstoun, G.
Howard, R.
Hoy, James Barlow
Ingham, R.
Irton, Samuel
Jackson, Sergeant
Jephson, C. D. O.
Jermyn, Earl of
Johnstone, J. J. H.
Jones, Theobald
Knight, Henry Galley
Lefevre, C. S.
Lefroy, A.
Lefroy, Thomas
Lewis, David
Longfield, R.
Lowther, Col. H. C.
Lowther, J. H.
Lucas, Edward
Maclean, Donald
Maule, hon. F.
Maunsell, T. P.
Moreton, A.
Morpeth, Viscount
O'Neill, General
Palmer, George
Palmerston, Viscount
Parker, M.
Parker, J.
Parnell, Sir H.
Parry, Sir L. P.
Peel, rt. hon. Sir R.
Perceval, Col.
Plumptre, J. P.
Polhill, Frederick
Pollington Viscount
Ponsonby J.
Praed, W. M.
Pusey, P.
Richards, John
Rickford, W.
Rolfe, Sir R. M.
Rushbrooke, Colonel
Russell, Lord John
Sandon Viscount
Scourfield, W. H.
Scrope, G. P.
Shaw, F.
Sinclair, Sir George
Smith, R. V.
Stanley, Edward
Stanley, Lord
Stanley, W. O.
Stewart, John
Sturt, Henry Chas.
Talbot, C. R. M.
Thomas, Colonel
Thomson, C. P.
Townley, R. G.
Trevor, hon. A.
Verney, Sir H. bart.
Vesey, hon. T.
West, J. B.
Weyland, Major
Wilson, H.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Seymour, Lord
Steuart, R.

List of the NOES.

Aglionby, H. A.
Angerstein, John
Attwood, T.
Barry, G. S.
Bellew, Rich. M.
Berkeley, hon. F.
Bewes, T.
Bish, T.
Blake, M. J.
Bodkin, J.
Bowes, John
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Bulwer, E. L.
Chalmers, P.
Chapman, M. L.
Clay, W.
Clements, Viscount
Codrington, Sir E.
Collier, John
Collins, W.
Cookes, T. H.
Crawford, W. S.
Denistoun, A.
D'Eyncourt, C. T.
Evans, G.
Ewart, W.
Fergus, John
Fitzgibbon, hon. R.
Fitzsimon, C.
Fort, J.
Grattan, J.
Grattan, Henry
Handley, Henry
Hastie, A.
Hawes, B.
Hector, C. J.
Hindley, C.
Hume, J.
Humphery, John
Hutt, Wm.
King, Edward B.
Lennard, T. B.
Lennox, Lord A.
Lennox, Lord G.
Macleod, R.
Mactaggart, J.
Maher, John
Marsland, Henry
Martin, T.
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R. bt.
O'Brien, Cornelius
O'Connell, J.
O'Connell, Morgan
O'Conor Don
Oliphant, L.
Parrott, J.
Pease, J.
Philips, Mark
Rundle, J.
Scholefield, J
Scott, J. W.
Sheil, Richard L.
Speirs, A.
Stuart, Lord J.
Tooke, Wm.
Trelawney, Sir W. L.
Tulk, C. A.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wemyss, Capt.
White, Samuel
Williams, W.
Wood, Alderman
Wyse, Thomas
Young, G. F.

TELLERS.

Duncombe, T
Wakley, T.

The House then went into Committee on the Poor-law (Ireland) Bill, and proceeded as far as the 36th clause. The House resumed.

On Mr. Robinson moving for leave to bring in a Bill to permit the grinding of foreign corn, in bond. The House was counted out.

HOUSE OF LORDS,

Wednesday, May 10, 1837.

MINUTES.] Petitions presented. By the Earl of EFFINGHAM, from places in Kent and elsewhere, for the abolition of Church-rates.—By Lord STRAFFORD, from places in Wiltshire, for abolition of Church-rates.—By Lord REDESDALE, from various places in the county of Oxford, praying their Lordships to resist every inroad on their rights and privileges.

HOUSE OF COMMONS,

Wednesday, May 10, 1837.

MINUTES.] Petitions presented. By Lord POLLINGTON, Sir C. BURRELL, and other hon. MEMBERS, from various places, against the Ministerial plan for the abolition of Church-rates.—By Mr. M. PHILIPS and other hon. MEMBERS, from various places, in favour of the Ministerial plan for the abolition of Church-rates.—By ALDERMAN

Wood, from a parish in London, for the equalisation of the Land-tax.—By Sir C. Burrell, from the trustees of various roads, praying for compensation for loss sustained by the abolition of Statute Labour.—By Mr. H. Hughes, from Oxford, for the equalisation of the Land-tax.—By Mr. Hamilton, from the Protestants of Ireland. This single petition, which was more numerously and respectably signed than all the petitions put together that had been presented from Ireland in favour of the abolition of Tithes, Municipal Reform, or all the other revolutionary Ministerial Measures, prayed for the preservation of the Constitution in Church and State, for protection to the Established Church in Ireland, and for security to the lives and property of the Protestants in that country.—By Mr. T. Duncombe, from Scarborough, in favour of the Ministerial plan for the abolition of Church-rates.—By Lord Ebrington, from Westdown, Devonshire, for a reform of the Municipal Corporations of Ireland, and for the abolition of Church-rates.—By Mr. Borthwick, from two parishes in Worcester, against the Ministerial Church-rate Bill.—By Mr. Sergeant Jackson, from Saffron Waldon, not to make any grant to Maynooth College; and from the Clergy and inhabitants of a parish of Ireland, for an improvement in the Established Church (Ireland) Bill.—By Sir L. Parry, from some place in the county of Carnarvon, complaining that the Bishop did not understand the Welsh language.—By Mr. T. Duncombe, from St. James's, Clerkenwell, against Church-rates.—By Lord Ebrington, from a place in Devonshire, in favour of the Irish Municipal Bill, and against Church-rates.—By Mr. Borthwick, from Evesham, and from two other places in Worcestershire, against the abolition of Church-rates.—By Sir T. Fremantle, from various places in Gloucester, against abolition of Church-rates.—By Mr. Holland, from a place in Derbyshire, in favour of the Amended Poor-law Bill.—By Mr. Young, from Scarborough, against the duty on Marine Insurances.

Conduct of the Army. — Buenos Ayres.] Sir *C. Broke Vere* seeing the hon. and gallant Member for Hull in his place, he would take that opportunity of referring to a statement made by the hon. Gentleman on a former night, relative to certain proceedings which that hon. Member alleged took place at the attack on Buenos Ayres, in 1808, and which he (Sir C. B. Vere) took the liberty of contradicting the accuracy of at that time. Since that time he had written to several officers who were present at the attack on that place, who confirmed the view he had taken of the subject. The first was from a general Officer, who said, that no such order had been issued as was described by the gallant officer; the next was from an officer who was an aide-de-camp of the commander, and he stated he did not know of any such order being issued. The next was from an officer commanding one of the columns of attack, who stated, that no such order had been issued. He had also similar letters from several other officers who were present, who stated, that no such order had been issued; he, therefore, was justified in asserting that no general order, no brigade order, no regimental order, and, indeed, no order of any authority, had been issued similar to that described by the hon. and gallant Member, namely, that the soldiers should spare the old men and the women and bayonet all others. He had felt it to be particularly his duty to apply to officers belonging to the same regiment that the gallant Member belonged to, and all the officers, except one, said that they did not know of any such order; and that one officer to whom he had alluded was at the time of the same rank as the hon. Member opposite; and that Gentleman said that he recollected an officer passed along the column to which he was attached, urging the men to the free use of the bayonet, but he did not recollect whether the particular expression stated by the hon. and gallant Member was used or not.

Colonel *Thompson* said, there was a proverbial difficulty in combating the evidence of one man who did see, with the evidence of any number of men who did not see. The question brought forward was, whether he had wrongly stated, that he heard an order for giving no quarter carried by a field-officer down the column in which he was, at the attack of Buenos Ayres. He was no party to the policy of bringing this subject a second time before the House and the public. He had introduced it once, as matter of just and, perhaps, inevitable recrimination. But as a man put now on his defence, he felt assured he should be heard with patience. The first fact with which he was furnished by the hon. Baronet opposite was, that an order to the effect described was in the General-in-chief's plan of attack two days before. The hon. Baronet would think it no discourtesy if he read again the extract from the evidence on the trial of General Whitelocke. Lieutenant-Colonel Bourke, Quartermaster-General, says, on the 3d of July, two days before the attack actually took place, "I called at General Gower's quarters and he showed me a plan of an attack on the town which he appeared to have just finished, and which was completely detailed in all its parts; it was the same which was given out the next day in orders, with some very trifling alterations." Whether the order to give no quarter was among these trifling alterations he had not the means to ascertain. "I proceeded to inspect the advance posts at the centre, and left General Gower going, as I understood, to head-quarters with the plan. I reached head-quarters after dusk, and in the course of the evening General-Whitelocke asked my opinion of the plan of attack, which was to take place the next day at twelve o'clock. I stated my objection to one clause, which directed that no prisoners should be made, as I conceived in an action of that sort, in an open town, it would be impossible to prevent a great deal of butchery." An ugly word in an official proceeding. "I said I thought the plan would succeed, but it appeared to me to be completely a new case, as I did not remember to have heard before of a similar order of attack. The General said he would leave out the order for making no prisoners, and would summon the town the next morning before he attacked it." Whether he did either must be doubtful. Was it what mankind at large would vote unreasonable, monstrous, or incredible, that what was in the General-in-chief's plan two days before should be heard by an individual officer on the attack? The hon. Baronet had further stated, that an officer in the same regiment with Colonel Thompson said, he thought he remembered an order being passed along by a field-officer to "use the bayonet freely." Now this officer, who happened to be one of the most valued comrades he ever had, he had always understood was in a different column from himself at the time he heard that order given. There were either eleven or thirteen columns; and the time when he heard the order was not when the troops were collected previously to entering the town, but after they were broken up. But he had further evidence, from an accidental and perhaps a hostile source; he would read a description of what took place on the same day, at the same hour, in a different column still. It was from a work which was put upon all mess tables, and into the hands of the babes and sucklings of the army, in all places where the young idea was taught to "shoot." It was the description, by an eye witness, of what took place at the attack of another part of Buenos Ayres, the Retiro. After describing a good deal of bayoneting, which might all be fair enough, for when men were sent to fight with bayonets they were not to be expected to use them like a turkey's feather — but why was not the same said for the British Legion, in whom it had been brought forward as a crime? the narrator went on to say, that some of the enemy feigned dead; on the arrival of reinforcements "the pretenders to death now tasted it in reality" a battery was attacked, and the party there consisting of about sixty men, made a precipitate retreat; but in place of being able to reach the theatre, they took temporary refuge in a barrack, and were so closely followed up as not to give time to shut the gates. Here there was a regular row in a barrack-room, and not one of the sixty was spared. The only fellows that escaped were five prisoners in the black hole." But this was not all—there was a *bonne bouche* to come. "When this bustle was over I returned to the barrack, and met, coming out, Corporal Mackay, a regular-built Highlander, of my own company [sorry he was to read anything discreditable to a Scottish soldier, but the fault was not his], with a sword well stained in one hand [perhaps some hon. Gentlemen might have sons in the army, and wish to know what a well-stained sword was]—with a well stained sword in one hand, and a pair of boots in the other. I asked him what he had been about? He said the Spaniards were some of them uneasy, and he was quieting them—in fact, he had been putting all the wounded out of pain." [*A gesture of incredulity from a Member on the Opposition side*] Nay, here it was (holding up the book, and turning it on the two sides), in page 504 of *The United Service Journal* for December last; "and having seen that I had lost my boots in a muddy lane, he had unbooted a dead Spanish officer for the sake of his captain." This was the way the Spaniards were treated. Within four hours afterwards he was a prisoner in the hands of the Spaniards, and was asked whether the orders he had described were what they had entered the town with, and of course he told the truth. A Spanish officer pulled out his purse, and asked if he wanted money, offering to supply him. If any thing could add to the misery of entering a town with such orders, it was the pain of being so treated afterwards. But he had not done yet. The hon. Baronet had not found any person who heard the exact order, but *he* had. He had a letter from an individual whom he would not name till he had ascertained from him that he was under no fear of suffering from the disclosure, which ran as follows: "Sir—having read in a newspaper a communication from you to your constituents, wishing to know if there was any old soldier in their neighbourhood who was at Buenos Ayres, although not being in the neighbourhood you write to, I beg to acquaint you that the regiment I served in, [regiment's name mentioned,] and in a different part of the army from any mentioned before got orders not to spare any persons except old men, women, and children, and were forced to act accordingly. One or two revolting cases I beg to mention. As the company I belonged to advanced up the street, there appeared at the door of a House, as we passed, a clergyman; he wore white robes. He was killed where he stood, and fell out on his face in the street. The next was a man who thought to secure himself under a woman's petticoats" [*loud laughter from the Tory side.*] Colonel Thompson said he had waited for that laugh. Perhaps when hon. Gentlemen opposite had known him longer they would be less incautious. "The man had two bayonets put though his body in that situation. To describe the agony of the distracted mother, which I believe she was, would take an abler hand than the humble individual's who addresses you. But the order of the day was, 'You know your orders; do your duty, or—.'" And so, said the gallant officer, ends my military report. He would leave the facts before the House, and he submitted that he had shown reason to believe that in four several parts of the army orders tantamount to what he had reported had been given.

Sir *Charles Broke Vere* did not doubt but that the hon. Member saw an officer riding along the line making the remark that he had stated, but he was satisfied that it was not a general order. He was anxious that the character of the army should be free from any thing approaching to the shadow of a stain, and therefore he had made the observations which he did.

THE RATE-PAYING CLAUSES OF THE REFORM ACT.] Mr. Thomas Duncombe moved the second reading of the Reform Act Amendment Bill.

Lord *John Russell* was sorry to find that he was compelled to oppose the further progress of this Bill; but in doing so he would not occupy the time of the House at any length. This Bill proposed to do away with all qualification arising out of the payment of rates or taxes. He was anxious to make the conditions relative to the payment of the latter as little onerous as possible, provided, however, that it could be shown that the persons in the register were *bona fide* householders paying rates and taxes. The clauses in the Reform Bill which it was now proposed to get rid of, enacted that householders of a certain qualification, able to pay the rates and taxes required from them, should form the constituency. This was not a new provision, but in accordance with the ancient principle of scot and lot, by which householders had the right of voting in certain boroughs on paying rates. Therefore the enactments in the Reform Act were in accordance with the old law and practice. He would not then go into the general arguments on which those parts of the Reform Act were supported, and he certainly had heard no reason which should induce him to abandon them. As he had already said, where inconvenience was felt in the general provisions of that Act, he was ready to reconsider them with a view to apply a remedy; but he was not prepared to abandon the principle. He should, therefore, oppose the further progress of this Bill. He moved as an amendment that the Bill be read a second time that day six months.

Mr. *Hume* asked the noble Lord why he would make a distinction between the borough and county voters; a vast number of people were disfranchised, by no fault of theirs, and who were fully qualified to vote. Two years ago he lost his vote because his taxes were not paid in time. He was anxious to pay them, but though the collectors called at houses right and left, they did not call at his. Ministers had not been true to the professions they made when they passed the Reform Bill. The principle of Lord Grey was, that no borough should have a constituency of less than 300. How had the registration clauses worked? There were thirty or forty boroughs in which the constituency was not more than two-thirds that number.

Mr. *Grote* observed, that when the hon. Gentlemen opposite happened to agree with the noble Lord, they seemed to imagine that all who dissented from them were, as a matter of course, to be silenced. To that doctrine he would most decidedly oppose himself, and more particularly on an occasion like the present, because he knew the strong feeling which prevailed among his constituents, and among all town constituents, with respect to this measure. The other night the noble Lord objected to the introduction of abstract questions; they had now a practical question, and the noble Lord moved that the discussion of it be postponed till that day six months. If he had no better arguments to adduce in support of his views, the noble Lord might be assured he would fail to get rid of the dissatisfaction which existed on the subject in every town more or less in the kingdom. The constituencies would not be satisfied with a disqualification of this kind, which did not attach to the county voters. Believing that the effect of this clause had been contrary to what was intended by the framers of the Reform Act, and that it operated unjustly, he should give his hearty concurrence in the motion of the hon. Gentleman.

Mr. *Thomas Duncombe* observed, that the hon. Gentlemen opposite had gathered with their usual zeal when to restrict and oppress the constituencies was the object, or when he, and the hon. Gentlemen who acted with him, brought forward any proposition to extend the franchise, and, if possible, give the electors additional protection. He did not complain of the hon. Gentlemen opposite —they were pursuing only their ordinary avocation, but he did complain of the conduct of the noble Lord. The noble Lord's promises, when he introduced the Reform Bill, had not been fulfilled. He then told them that he proposed to increase the constituency half a million; the returns showed that it had not been increased above 300,000. He imputed the deficiency to the restrictive clauses in the Reform Bill. The noble Lord also told them that it was one of his propositions that no constituency should be less than 300. He held in his hand a return of the different boroughs, and from that it appeared that in twelve boroughs the registered voters did not exceed 200; in thirty, 300; in thirty-one, 400; in thirteen, 500; in twenty-five, 600; in twenty-one, 700; in fifty-eight, 1,500; in twenty-seven, 3,000, giving a total of 217 boroughs, in every one of which the Reformers, he felt confident, would in a short time be beaten by bribery and intimidation. The hon. Gentlemen opposite knew well that they would be able in a few years to get a majority in every one of those boroughs unless something were done to extend the suffrage. It was his honest conviction that if they persisted in their present course they would soon have this House as much a boroughmongering House of Commons as was that which existed prior to the passing of the Reform Bill. The noble Lord had referred to the city of Westminster as evidence of the good working of the clauses in question. What was the state of Westminster before the Reform Bill passed? No one was then required to pay the King's taxes as a qualification. It was only necessary for the voter to have paid his parochial rates. Now, they not only must have paid the King's taxes, but the parochial taxes, including the police rate and the county rate. Why ought not the county voters to be equally called on to pay the county rate and King's taxes? Well, what had been the operation of the Reform Act in Westminster? In 1807, when Sir Francis Burdett was first elected by the people, there voted 10,542; in 1818, at the next contested election, there voted 10,277; in 1819, there voted only 8,366. This diminution was owing to the poll books having been published, which led to numbers of the tradesmen who had voted for the Reform candidate losing the custom of the aristocracy. In 1820, the last contest before the Reform Act, 9,280 voted. In 1834, the year after the Reform Act had passed, there appeared on the register only 9,807. Now, the number of the rate-payers in 1807 was 18,100. Thus the number registered in the first year of the Reform Bill was only one-half of the number of the rate-payers. In the contest in 1833, there voted only 4,218. He begged to remind the noble Lord of some of the effects which he himself had intended should result from the passing of the Reform Bill. Lord Durham, for the first Reform Bill, the work of his own hands, did not claim that character of perfection which his colleagues insisted on in bar to any alteration of the second. In his speech of 1834, he stated;—

"I was assisted by the advice of three of my colleagues—Lord John Russell, Sir James Graham, and Lord Duncannon; and, with their co-operation, the first Reform Bill was submitted to the cabinet and to the Sovereign. Of that measure I shall say no more than that if it was not entirely perfect, it was at the same time free from many of those imperfections which attended the passing of the second Reform Bill, and which, from accidental circumstances, it was impossible to guard against. I allude in particular to the 50*l.* tenant's clause, which was forced upon the supporters of the bill by the then Tory House of Commons, and afterwards inserted in the second measure, although contrary to the principles on which the first was framed, or at least upon which I framed it; namely, that independence should be the security for a vote, and that, no matter how small the property was, provided the voter could exercise an independent suffrage he should be entitled to vote for his representative. I know that much remains to be done, many imperfections to be remedied, especially with regard to rating. If we find that the non-payment of rates should tend to disqualify those who have the right of voting, that part of the measure should be altered and amended."

He contended that the constituency of England had been considerably reduced by the rate-paying clause; and that clause was further objectionable, because it gave occasion for gross bribery and favouritism on the part of the collectors of the rates and taxes. He knew that these people sometimes tore leaves out of their receipt books that the electors might be placed on the register, notwithstanding that they had not paid their rates. This led to gross bribery on the part of those who were trying to get possession of their boroughs. He was sorry to see the noble Lord throw himself into the arms of the hon. Gentlemen opposite. They were not only bad, but very dangerous company for any Reformer to fall into.

The House divided on the original motion:—Ayes 166; Noes 73: Majority 93.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Barnard, Edward G.
Bellew, Rich. M.
Berkeley, hon. C. C.
Blunt, Sir C.
Bowes, John
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Callaghan, D.
Chapman, M. L.
Clay, W.
Codrington, Sir E.
Collins, W.
Crawford, W. S.
Denistoun, A.
Divett, E.
Dundas, J. D.
Dunlop, J.
Elphinstone, H.
Etwall, Ralph
Evans, G.
Ewart, W.
Ferguson, Sir R.
Grote, G.
Hall, B.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Heron, Sir R., bart.
Hindley, C.
Holland, E.
Hume, J.
Jervis, John
King, Edward B.
Lee, John Lee
Lushington, Charles
Lynch, A. H.
Maher, John
Marshall, Wm.
Marsland, Henry
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R., bt.
Nagle, Sir R.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
Oliphant, L.
Parrott, J.
Pattison, J.
Philips, Mark
Power, James
Robinson, G. R.
Rundle, John
Ruthven, E.
Scholefield, J.
Tancred, H. W.
Thompson, Colonel
Tooke, W.
Tulk, C. A.
Vigors, N. A.
Villiers, Charles P.
Warburton, H.
Wason, R.
Whalley, Sir S.
Wilbraham, G.
Wilks, John
Williams, W.
Williams, Sir J.
Wood, Alderman

TELLERS.

Duncombe, T.
D'Eyncourt, C. T.

List of the NOES

Angerstein, John
Arbuthnott, hon. H.
Ashley, Visct.
Ashley, hon. H.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, David
Baring, Francis
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barneby, John
Beckett, Sir J.
Bell, M.
Bethell, Richard
Biddulph, Robert
Blackburne, John I.
Blackstone, W. S.
Boldero, Capt. H. G.
Borthwick, Peter
Bowles, G. R.
Bradshaw, J.
Bramston, T. W.
Bruce, Lord E.
Buller, Sir J. B. Yarde
Burrell, Sir C. M.
Byng, George
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hon. G. H.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Charlton, E. L.
Chetwynd, Captain
Chisholm, A.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, A. H.
Cole, Visct.
Compton, H. C.
Conolly, E. M.
Coote, Sir C.
Corry, H.
Cripps, Joseph
Damer, D.
Denison, J.
Donkin, Sir R.
Dugdale, W. S.
Duncombe, W.
East, J. B.
Eaton, Richard J.
Ebrington, Visct.
Ellice, E.
Fector, John Minet
Ferguson, G.
Follett, Sir W.
Forbes, Wm.
Forester, hon. G.
Forster, Charles S.
Fox, Charles
Fremantle, Sir T. W.
Freshfield, J.
Gaskell, J. Milnes
Geary, Sir Wm.
Gladstone, T.
Gordon, hon. W.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grey, Sir G.
Halse, James
Halford, H.
Hamilton, Lord C.
Handley, Henry
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hay, Sir And. Leith
Heathcote, Gilb.
Henniker, Lord
Hogg, J. W.
Hope, hon. James
Hoskins, K.
Irton, Samuel
Johnstone, J. J. H.
Jones, Wilson
Jones, Theobald
Knatchbull, Sir E.
Knight, Henry Gally
Knightley, Sir C.
Lawson, Andrew
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord Arthur
Lincoln, Earl of
Lowther, Col. H. C.
Lowther, J. H.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, Donald
Mahon, Visct.
Maule, hon. F.
Maunsell, T. P.
Miles, William
Miles, Philip J.
Mordaunt, Sir J., bt.
Morpeth, Visct.
Neeld, Joseph
Nicholl, Dr.
North, Frederick
O'Ferrall, R. M.
Ossulston, Lord
Packe, C. W.
Palmer, George
Parker, M.
Parker, J.
Patten, John Wilson
Peel, rt. hon. Sir R.
Pollen, Sir J. bart.
Pollington, Visct.
Ponsonby, W.
Ponsonby, J.

Pringle, A.
Reid, Sir John Rae
Richards, R.
Robarts, A. W.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Russell, Lord John
Sandon, Visct.
Scott, James W.
Seymour, Lord
Shaw, F.
Sibthorp, Col.
Smith, hon. R.
Somerset, Lord G.
Stanley, E. J.
Stanley, Lord
Stormont, Visct.
Sturt, Henry Chas.
Thomas, Colonel
Trevor, hon. A.
Trevor, hon. G.
Vere, Sir C. B.
Vesey, hon. Thomas
Vivian, John H.
Vivian, John Ennis
Vyvyan, Sir R.
Wall, C. B.
Walpole Lord
West, J. B.
Weyland, Major
Whitmore, Thos. C.
Wilbraham, B.
Williams, Robt.
Wilson, H.
Wodehouse, E.
Wood, Charles
Wood, Colonel
Yorke, E. T.
Young, G. F.
Young, J.

TELLERS.

Baring,
Smith, R. V.

Bill put off for six months.

East India Maritime Officers' Bill.] Mr. *Robinson* moved the second reading of the East India Maritime Officers' Bill. When it was determined that the East India Company should cease to trade, it was resolved that compensation should be given to the maritime officers whose interests would be thereby affected. In 1834 the East India Company adopted a certain rule, by which those who had been in service during the five years preceding that time should receive compensation, but all others should be refused it. Under these circumstances he felt it his duty to apply to the House for a Committee to inquire into the cases of certain officers whose interests had been injured by the adoption of that rule. The Committee had reported that certain officers had been improperly deprived of compensation by the operation of the rule. Lord Glenelg said, that he never would have consented to the rule if he had thought that those who might be excluded would not have their cases specially entered on. This Bill merely gave the officers the right of having their cases adjudicated on the special merits of each. These gentlemen had now been applying for two years; and he was glad to have an opportunity of making an appeal on their behalf to the justice and liberality of Parliament.

Sir *John Hobhouse* thought that those officers could not complain of not being heard, as the hon. Gentleman had made an eloquent speech on the occasion when the subject was last before the House; he had made a speech that evening, and he would probably make a third by availing himself of his right to reply. He hoped that the House, considering that this was not a question relating to the taxation of the people of England, but to the revenues of India, whose native inhabitants had not many advocates in that House, would bear with him while he, as guardian of the revenues of India, endeavoured to make out a case on their behalf. The question was decided when the Charter Act of the East India Company was passed in 1833, by which it was declared that compensation should be granted to a certain number of the civil, military, and maritime officers of the company. The clause on which these claims were founded was the 7th clause of the charter, which required that no compensations, superannuations, or allowances, shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament." Now, what was the reason for requiring that these particulars should be laid before Parliament? Simply, that if any improvident grants were proposed, Parliament might interfere. The House of Commons gave the East India Company the power of considering the claims of all parties, and if the claims were allowed, they should then have the power of charging the revenues of India with the amount necessary for compensation. The line drawn by the company was this—that none of their maritime officers except those who had been in commission of the company's ships within five years of the date of the charter, should be entitled to compensation. This rule was assented to by the Court of Directors, by the Board of Control, and by the Court of Proprietors, and also by the maritime officers themselves, and he regretted to say, that when this scheme was fully worked out, very nearly 700,000*l.* would be paid out of the revenues of India for compensation. With regard to the present claims, the hon. Member for Yarmouth had stated that out of the fifty-five officers who had signed the petition on which this Bill was founded, no fewer than twenty-seven had not been employed by the company for the last twenty years, and yet these gentlemen had put down their names as suffering by the discontinuance of the company's trade. The Court of Directors, however, had made exceptions to their rule in extreme cases, and he thought the House ought not to interfere with the exercise of their discretion. He should therefore move, that the Bill be read a second time that day six months.

Mr. *Praed* was understood to ask the right hon. Gentleman the President of the Board of Control, whether there was a readiness on the part of the board to investigate special cases, without calling upon the applicants to give a certificate of sickness, or of being in distressed circumstances? That admission that there was not, overset the whole of the right hon. Gentleman's case. When Lord Ellenborough came to the Board of Control, he found the question in this state. There was an Act of Parliament enabling the court to give compensation to persons whose interests were affected by the discontinuance of the company's trade, and this compensation was to come out of the revenues of India. The right hon. Gentleman had pressed this latter point on the attention of the House; but when the charter was granted to the company, their commercial revenues were made over in aid of the territorial revenues of India, and therefore any charge on the commercial revenue was fairly transferred to the territorial income. The clause empowered the company to grant compensation, and was therefore directory, and every individual case ought consequently to be decided upon its own merits. The Select Committee appointed by the House to inquire into this subject was unanimous in its report, and they stated that grievances existed in particular cases, and recommended that the rule laid down by the Court of Directors should be relaxed, and that those officers who could make out a case of prospective loss by the discontinuance of the company's trade, although they might not be in a state of abject poverty, should receive compensation. He thought, however, that the Court of Directors were the sole judges of the merits of each particular case, and of the amount of compensation, but he certainly understood that both the company and the board were bound to consider whether any individual had suffered loss by the cessation of the trade, and then, even if that individual were worth ten millions of money, he would be defrauded if, a loss having been proved, he did not receive compensation. It would be more satisfactory to him, as there were difficulties in dealing with the Bill itself, if he could receive an assurance from the right hon. Gentleman that the board would intimate to the Court of Directors their wish that this condition of a declaration of poverty, before the claims were considered, should be dispensed with. However, if he did not receive that assurance, he should do what he could with the Bill in Committee.

Mr. *V. Smith* said, that the condition required was nothing new in the history of the East India Company. He maintained that these officers had received no injury, because the company had for some time before the charter been contracting their service, and for the last two or three years had chartered ships from voyage to voyage, and therefore ample notice to quit had been given to the officers. He should certainly vote against the second reading of the Bill, for he saw no chance or prospect of effecting such alterations in the measure, when passing through Committee, as could render it acceptable to the country, or fair towards the parties principally concerned. He hoped the House, then, would save the company and the people of England from these additional claims. It was most especially to be recollected, that the persons on whose behalf these claims were made, would not be left destitute, for the East India Company were authorised to relieve any case of extreme distress.

Mr. *Hawes* observed, that every speaker who addressed the House admitted the justice of the claims, but for some reason or other, which he could not understand, refused to consider them in the proper quarter; for his part, he should support the Bill.

Mr. *Robinson* observed, that the right hon. Baronet (Sir J. Hobhouse) had assented to the appointment of a Committee, taking the chance of their report being favourable to his views; but now, finding that report opposed to his wishes, he declared his intention to do as he had done before.

The House divided:—Ayes 47; Noes 31: Majority 16.

List of the AYES.

Angerstein, J.
Attwood, T.
Baines, E.
Barnard, Edward G.
Bridgeman, H.
Brodie, W. B.
Chapman, A.
Clay, W.
Crawford, W. S.
D'Eyncourt, T.
Dugdale, W. S.
Dundas, J. D,
Fector, J. M.
Fielden, J.
Fox, C.
Freshfield, J. W.
Gaskell, J. Milnes.
Hamilton, G. A.
Hardy, J.
Hawes, B.
Hawkes, T.
Herbert, Hon. S.
Hindley, C.
Hoy, J. B.

Humphrey, J.
Jervis, J.
Jones, T.
Lennox, Lord G.
Lennox, Lord A.
Lowther, J. H.
Mackinnon, W.
Palmer, G.
Parry, Sir L. P.
Pattison, J.
Pease, J.
Rushbrooke, R.
Ruthven, E.
Thompson, Colonel.
Trevor, Hon. A.
Tulk, C. A.
Vere, Sir C. B.
Wakley, T.
Wason, R.
Weymis, Capt.
Whalley, Sir S.
Williams, W.
Wood, Ald.

TELLERS.

Robinson, G.
Praed, B.

List of the NOES.

Adams, Sir G.
Aglionby, H. A.
Baring, F. T.
Brotherton, J.
Collins, W.
Dundas, Hon. J.
Forster, C. S.
French, F.
Gordon, R.
Halse, J.
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Hobhouse, Sir J.
Howard, P. H.
Hume, J.
Johnstone, H.
Lynch, A. H.
Musgrave, Sir R.
O'Ferrall, R. M.
Parker, J.
Poulter, J. S.
Rickford, W.
Rolfe, Sir R. M.
Russell, Lord J.
Smith, V.
Thornley, T.
Troubridge, E.
Vivian, J. E.
Warburton, H.
Worsley, Lord.

TELLERS.

Maule, F.
Steuart, R.

GENERAL TURNPIKE TRUSTS.] Mr. Mackinnon moved the second reading of the Turnpike Trusts Bill.

Lord *Worsley* objected to the measure, and moved that it be read a second time that day six months.

Mr. *Mackinnon* urged the House to agree to the second reading, for he believed that no objection could be urged against the measure which it would not be in their power to obviate in Committee. The question which the House had to decide was simply this—whether it was or was not desirable that the population of counties should govern themselves as regarded the public roads, or give the tremendous power which the opponents of the Bill proposed should be given, to a board appointed by whoever might be the Ministers for the time being.

Mr. *F. Maule* contended that the best guarantee for the proper management of the public roads would be to vest that management in the hands of persons appointed by and under the control of the executive Government.

Mr. *Goulburn* suggested to his hon. Friend who had brought forward the Bill that he should withdraw it, and present it at a future period in a form likely to be more acceptable to the House.

Amendment and Bill withdrawn.

ADMISSION OF FREEMEN.] Mr. *Warburton* moved an instruction to the Committee on the Freemen's Admission Bill to the following effect—"That they have the power to make provision for the amendment of the Reform of Parliament Act, in so far as it requires the payment of rates and taxes as a qualification of householders to vote in the election of Members to serve in Parliament."

The *Speaker* intimated a doubt whether this Motion was regular. He doubted whether it was not carrying the principle of instruction too far.

Mr. *Warburton* said, it was because the Committee had not the power to insert this provision without an instruction that it was necessary.

Mr. *Williams Wynn* said, that this was a course of proceeding which got rid of the Second Reading; it was difficult to draw a line; the act of settlement might in this way be got rid of by an instruction to a Committee on a turnpike Bill.

Lord *John Russell* thought it inexpedient to introduce an instruction to the Committee to insert a clause in this Bill foreign to the object of it. His intention was, in conformity with what he had stated when the Bill was before the House on a former occasion, to make a provision for a relaxation of the time for the payment of taxes; and for that purpose he had prepared a Bill to regulate the payment of taxes, and to abolish the stamp duty on the admission of freemen. He proposed to leave the Act as it stood in respect to the payment of taxes for the first year up to the 5th of April, and in the subsequent years to the 1st of October supposing the name remained on the register, and he thought there would be sufficient time between the 1st. of October and the 29th of June to pay the rates and taxes. He hoped, therefore, that the hon. Member for Coventry would not press his Bill till the measure he had just alluded to were brought in.

Mr. *Williams* said, he saw no necessity for delaying his Bill. There was a Bill before the House, the Registration of Voters Bill, into which the provisions of the noble Lord might be introduced. What he proposed by his Bill to get rid of was a source of corruption in all our towns. He should move that the House resolve itself into a Committee on the Bill.

Viscount *Sandon* seconded this Motion, and hoped the hon. Member would not consent to postpone the Bill, especially as it was proposed to connect it with another Bill with which it had no connexion. A freeman's franchise had nothing to do with property; it represented the reward of industry, and not a money qualification.

Lord *John Russell* said, that as the hon. Member had declined to defer his Motion, he should move for leave to bring in his Bill. Whether the charges brought against the freemen were just or not, his object in the present instance was to improve, as far as possible, the condition in which they were placed in regard to the elective franchise. He would, therefore, move as an amendment for leave to bring in a Bill for altering and amending the rate-paying clauses of the Reform Act.

Mr. *Williams Wynn* objected to the course pursued by the noble Lord (Lord John Russell), as in his opinion it was quite contrary to the usual practice of the House to move for leave to introduce a Bill of which no previous notice had been given as an amendment to an Order of the Day.

The *Speaker* said, it did occur to him, that according to the usual practice of the House such an Amendment could not be moved as a matter of abstract right. It was, however, for the House to consider whether, for the sake of convenience, the course which had been proposed should not be allowed in the present case.

Lord *John Russell* would not, after what had fallen from the Chair, persist in his Motion. He would, therefore, beg leave to withdraw it, and to move in its stead, that the House go into Committee on the Freemen's Admission Bill on the 21st of June.

The *Speaker* wished it to be understood that in the remarks he had made he did not mean to speak so much to the right as to the expediency of the course which had been proposed.

Colonel *Sibthorp* hoped the hon. Member for Coventry would take the sense of the House upon his Motion he had made. He considered the course which had been pursued by the noble Lord as an attempt to get rid of a Bill for improving the condition of the freemen by a side wind. Such a course was quite in keeping with the general policy of Gentlemen on his (Lord J. Russell's) side of the House in regard to that important body; for he (Colonel Sibthorp) could perfectly recollect having heard his Majesty's Attorney-General denominate the freemen the curse of the country. He would cordially join in supporting any measure which would tend to improve the condition of the freemen.

Mr. *Trevor* hoped that the hon. Member for Coventry would persist in his motion. He was astonished that hon. Gentlemen on the opposite side of the House, who were always talking of corruption, should refuse to support a measure which tended to make the electors more independent, and he hoped the country would accept the conduct of the noble Lord as a proof of the sincerity of his intentions to improve the condition of the people.

Mr. *Maclean* saw no good reason why the noble Lord should refuse to the freemen a boon of such importance as an admission to the rights which they possessed free of all expense. It was, however, in perfect keeping with the course which had always been pursued in regard to the freemen by the noble Lord and hon. Gentlemen on his side of the House. The freemen had been treated by the Government and its supporters as if they had been the scum of society, and he had heard them called by an hon. Member on the Ministerial Benches the plague-spots of the Constitution. If the noble Lord really wished to confer a benefit on the freemen it would have been more consonant with such a desire to allow the hon. Member for Coventry to proceed with his Bill in the usual course, and to have introduced his own Bill as a separate measure.

Mr. *Philip Howard* thought, the hon. Member for Coventry had exercised a sound discretion in refusing to consent to postponement. It was not a party measure, but one which only did justice to the freemen, and as such he would give it all the support in his power.

Mr. *Aglionby* regretted the hon. Member for Coventry had not consented to postponement; and for the sake of his own measure it would have been better to consent to the course proposed by the noble Lord, as it would have had a much greater chance of passing when adopted by the Government. For his own part, however, he would say, that he could not consider the freemen as persons who could safely be trusted with the exercise of the franchise, and he would oppose the measure unless it was coupled with one for the extension of the suffrage.

Mr. *Williams* was placed in a situation of some difficulty, as his constituents were anxious that the bill should pass; and if it were to pass that House, he believed it would become law, which he doubted the noble Lord's measure would do.

The House divided on the motion to go then into a Committee:—Ayes 45; Noes 82: Majority 37.

List of the AYES.

Alsager, Captain
Bailey, J.
Baring, T.
Blackburne, I.
Chisholm, A. W.
Dundas, J. C.
Elley, Sir J.
Fector, J. M.
Fielden, J.
Forbes, W.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Goulburn, H.
Goulburn, Sergeant
Hamilton, Lord C.
Harcourt, G. S.
Hector, C. J.
Henniker, Lord
Howard, P. H.
Hughes, W. H.
Lee, J. L.
Lewis, D.
Lincoln, Earl of
Lowther, J. H.
Maclean, D.
Nicholl, J.
Praed, W. M.
Price, S. G.
Rushbrooke, R.
Sandon, Visct.
Scarlet, hon. R.
Sheppard, T.
Sibthorp, Colonel
Stormont, Viscount
Talfourd, Sergeant
Thompson, Alderman
Thompson, Colonel
Twiss, H.
Vere, Sir C. B.
Wason, R.
Weyland, Major
Wortley, J. S.
Wynn, Sir W. W.
Yorke, E. T.

TELLERS.
Williams, W.
Trevor, A.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Baines, E.
Baring, F. T.
Bellew, R. M.
Bentinck, Lord
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Callaghan, D.
Chalmers, P.
Clive, E. B.
Codrington, Admiral
Cookes, T. H.
D'Eyncourt, T.
Dillwyn, L. W.
Duncombe, T.
Dundas, hon. T.
Dundas, J. D.
Etwall, R.
Ewart, W.
Ferguson, R. C.
Forster, C. S.
Fort, J.
French, F.
Gordon, R.
Hall, B.
Halse, J.
Hastie, A.
Heathcoat, J.
Heron, Sir R.
Hindley, C.
Hobhouse, Sir J.
Holland, E.
Hume, J.
Hutt, W.
Ingham, R.
Jervis, J.
Lefevre, C. S.
Lushington, C.
Macleod, R.
Marsland, H.
Maule, F.
Morpeth, Viscount
Murray, J. A.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Palmer, Colonel
Parry, Sir L.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Phillips, G. R.
Power, J.
Price, Sir R.
Pryme, G.
Pusey, P.
Russell, Lord J.
Ruthven, E.
Scholefield, J.
Seymour, Lord
Stanley, E. J.
Steuart, R.
Thornley, T.
Tulk, C. A.
Verney, Sir H.
Vivian, J. H.
Wakley, T.
Warburton, H.
Westenra, J. C.
Whalley, Sir S.
White, S.
Wilbraham, G.
Williams, Sir J.
Worsley, Lord
Young, G. F.

TELLERS.
Hay, Sir A. L.
Parker, J.

Committee postponed.

* * *

HOUSE OF LORDS,

Thursday, May 11, 1837.

MINUTES.] Petitions presented. By Lord REDESDALE, from places in Gloucestershire, against the abolition of Church-rates.—By the Earl of BRADFORD, from places in Oxfordshire, against abolition of Church-rates.—By Viscount MELBOURNE, from various places, in favour of the Ministerial plan for the abolition of Church-rates, the Irish Municipal Reform Bill, and the Irish Tithe Bill.

IMPROVEMENT OF LANDS (IRELAND).] On the motion of the Marquess of Clanricarde, the House went into Committee on the Improvement of Waste Lands (Ireland) Bill.

The Earl of *Wicklow* was of opinion that this bill ought to have been introduced by his Majesty's Ministers, and not by individuals. The present bill was similar to one formerly passed, which had never been productive of the slightest benefit to Ireland. There was one part of the bill to which he wished to draw the particular attention of the noble Duke on the cross-bench (Richmond), who had moved for a Select Committee to inquire into the propriety of substituting declarations for oaths. If he looked into this Bill, he would see that it required the administration of oaths to an enormous extent. In the 9th clause the Commissioners were empowered to compel the attendance of persons to give evidence, however great the distance might be. Now, in a bill at present before the other House, and having relation to Ireland, though power was given to compel the attendance of individuals before the Commissioners, it was provided that that power should not extend to those who lived at a greater distance than twenty miles. In that measure also, although power was given to call for papers, yet a special protection was inserted against the production of title deeds of estates, but no such provision was to be found in this bill; and if it were suffered to remain thus, much inconvenience, to say the least of it, would be the consequence.

Lord *Fitzgerald* said, on referring to the votes of the other House, it would be found that there was more than one bill which went farther, with reference to local improvements in Ireland, than the present measure. Therefore, if it were convenient, he would propose to his noble Friend to refer this measure to a Select Committee, where it might be thoroughly considered, so as to prevent its provisions from being defeated or rendered useless by other bills.

The House resumed. Bill referred to a Select Committee.

EXECUTION AT GLOUCESTER.] Lord *Segrave* said, that in consequence of what had fallen from him, and from the noble Duke on the cross-bench the other night, on the subject of the execution at Gloucester, he understood that the high sheriff supposed that some imputation had been cast on his conduct. But, certainly he could state, that there was no imputation thrown out on the part of the noble Duke, or on his own. He knew the high sheriff very well. He was a most respectable man, and if these indecencies took place at, or rather after, the execution, he was convinced that no man would be more shocked at the circumstance than that gentleman. He believed that the conduct of the executioner was most disgusting. After what occurred on Friday night he wrote to the governor of the county gaol, who, in answer, stated, that the conduct of the executioner was, to say the least of it, marked by great levity, and his impression was, that the man was drunk. If the greatest decorum were not observed on such an occasion, the most brutalizing effects must certainly follow. He had stated his authority for what he had said, and he hoped, that on investigation, other evidence would be adduced to outweigh that which led him to the conclusion at which he had arrived. He feared, however that such would not be the fact.

The Duke of *Richmond* had meant to cast no imputation on the sheriff, but he thought it right to call the attention of the Government to the circumstance. With respect to the recent case of Greenacre, he greatly disapproved of the conduct which was pursued towards that individual. He believed that, on the 27th of April a remonstrance had been made against allowing persons to see him who had not a proper cause. The magistrates of the city of London might at present allow individuals to see persons in that unhappy situation, even though it were contrary to the will of the sheriffs. He thought that a provision should be made to prevent orders being given to visit persons awaiting execution, except they were issued by the Secretary of State or by the sheriffs.

Subject dropped.

CHIEF BARON JOY.] The Earl of *Roden* took the opportunity of having to present a petition, to call the attention of noble Lords opposite to a subject most deeply interesting to their Lordships, as it certainly had proved to be most painful to the individual who was most nearly connected with the matter. It was, he knew, irregular to allude to words made use of in a former debate; but when their Lordships considered the importance of the subject, he hoped that it would be looked on as a sufficient excuse. The noble Viscount at the head of his Majesty's Government had, on a former evening, made a statement which, when he explained the circumstances, would, he hoped, prove to the noble Viscount that he had been misinformed on the subject, and would draw from him an acknowledgment of the misstatement which he had made. The words, as far as he could remember them, used by the noble Viscount were these:—"With respect to the appointment of sheriffs by the going judge of assize, the Chief Baron deviated from the usual course, and sent in a list of names, which Government found to be very deficient." Such a charge against so inestimable an individual as Chief Baron Joy, appeared to him, who was long acquainted with the Chief Baron, who admired his virtues, and who considered him an ornament to that part of the empire, as a subject that ought to be inquired into, for the purpose of ascertaining the correctness of the statement and affirmation of the noble Viscount. He, therefore, had made an inquiry into the matter, and he had no doubt of the truth of the facts which he was about to state to their Lordships. He believed that the noble Viscount was totally misinformed with respect to the statement which he had made, and it would appear, that Chief Baron Joy did not depart from the course usually pursued on such occasions, and that he did not send in a list which was found by the Government to be deficient. The course pursued in the appointment of sheriffs had prevailed from the time that Sir Robert Peel was Chief Secretary, and the Chief Baron had adhered to it. Chief Baron Joy submitted to the Lord Chancellor a list of three most unexceptionable gentlemen to fill the office of High Sheriff—three gentlemen of the county of Louth. The noble Marquess had stated, that one of these gentlemen, Mr. Fortescue, was unwilling to serve. That, however, formed no good ground for setting him aside, and choosing in his place a person who was not recommended by the judge. He recollected when he himself was compelled to serve, and, therefore, unwillingness afforded no solid ground for exemption. The second gentleman, Mr. Bellingham, had a good ground of excuse, having served before. Then it was said, that the third gentleman on the list, Mr. Brabazon, was so young, that it was impossible that he could be intrusted with so important an office as that of sheriff. Now, he knew that gentleman. He was some five or six-and-twenty years of age, and weighed twenty stone. Either one or the other of these gentlemen ought to have been made to serve, instead of the Government deviating from the regular line of proceeding, and appointing a person who was not recommended by the judge. The statement, therefore, of the noble Viscount, that the list sent in by the Chief Baron was deficient, appeared to him not to be well founded, because one of the two individuals whom he had named might have been made to stand, if Government had exercised its power. The circumstance had caused a strong feeling throughout Ireland; and, therefore, he felt it to be his duty to that House and to the public, to give the noble Viscount an opportunity of correcting his error.

Viscount *Melbourne* said, if he had been aware that the noble Earl had meant to introduce the subject, he would have been prepared with the necessary information. He had not the slightest idea of wounding the feelings of the Chief Baron, but he was not aware that he had stated anything but facts. He should be most anxious to make an immediate acknowledgment of error, if he had committed any, but he was not aware that he had. What he had said was, that the Chief Baron had not pursued the course usually adopted by the judges. He believed the practice always was for the judge to inquire of the present sheriff what persons were proper to be recommended to fill the office of sheriff for the next year—not that he was bound by the information which he might receive, for he might still exercise his discretion; but—because it was wise and prudent for him to know who were considered to be the most eligible individuals. This the Chief Baron had not done on the occasion in question. In consequence the Chief Baron had returned three individuals, out of whom it was impossible to select a person to serve the office of sheriff. He had not said that the Government had superseded those three gentlemen because the Chief Baron omitted to ask the opinion of the former sheriff, but because he had returned individuals each of whom had a good excuse, or at least a reason, for being exempted.

The Earl of *Wicklow* begged to tell the noble Viscount that he was in error, because the judge had not deviated from the customary rule in such cases, but the Government had thought proper to disregard the recommendation of the judge, and chose to appoint another person of their own selection.

Lord *Fitzgerald* was glad that a conversation on this subject had arisen, because it had afforded the noble Viscount an opportunity of removing from the mind of Baron Joy an impression that the noble Viscount had intended to cast any censure upon him. The subject was certainly one of great importance, considering the nature of the office, and the duties of a sheriff. He could confirm the opinion of his noble Friend that no deviation from the usual practice had taken place, and that it had not been the custom of the judges to prefer the persons pointed out by the former sheriffs. It was clear that the judges could have no discretion if they were to be bound by the return of the former sheriffs. Nothing, however, could be more obvious than that if the Government were ready to release persons from serving the office, the list of the judge could be of little or no use.

Petition laid on the table.

THE ROMISH CLERGY.] The Marquess of *Westmeath* said, he had to present a petition from a dignitary of the Roman Catholic Church in Ireland, who wished to appeal to their Lordships against certain severe treatment which he had experienced at the hands of his ecclesiastical superiors. It was the petition of Eugene Mulholland, a native of Ireland, who had been ordained a priest of the Romish Church. In 1818 he went to Rome to prosecute his studies, and received the degree of doctor of divinity there. In 1826 he returned to Ireland, and was appointed to a parish in the county of Louth. In 1833 one of those controversies, which unfortunately were too prevalent in that country, became particularly conspicuous in his neighbourhood, and he was charged by another Roman Catholic clergyman with having connected himself with insurrectionary proceedings. He referred the charge to the dignitaries of his own church, and it appeared to be their opinion that the charge ought to be withdrawn. However the charge was not withdrawn. He then brought an action against the other priest, who had, as he thought, maligned his character, and while that action was pending he was dismissed from his curacy by the dignitaries of his church, and was thereby deprived of the means of obtaining an honest and honourable livelihood. They made him the subject of ecclesiastical censures and privations for having appealed to the law of the land in vindication of his character. The Roman Catholic prelates did not deem that appeal to be an offence against the ecclesiastical canons, but still they dismissed him. He then appealed to Rome, and a document called a rescript was sent out to Dr. Croly, the Roman Catholic Primate of Ireland, requiring him to be reinstated; and ultimately he was ordered to be appointed to an office which was equal to a perpetual curacy in the English Church. Having applied to the vicar apostolic of London for assistance, he received an answer which was remarkable for the peculiar expressions it contained. That personage condemned the course pursued by Dr. Mulholland, in first going to law with a brother clergyman, and afterwards presenting petitions to Parliament on the subject, as a most disgraceful exhibition. Among the subsequent measures which he took for his own justification, he applied to a great champion of public liberty to take up his cause, Mr. Daniel O'Connell. That Gentleman told Dr. Mulholland that it became him to express his regret for the course he had pursued, having caused great scandal to the Catholic Church by the controversy he had created, and by endeavouring to enlist the services of men in Parliament in hostility against the dignitaries of his church. He told Dr. Mulholland, moreover, that the Legislature had no control over the Roman Catholic Church, and that if he had suffered any wrong from another, the criminal law was open to him. Although it was asserted that Parliament had no right to interfere with the Catholic Church, he would remind their Lordships that the College of Maynooth was endowed by a Parliamentary grant, and that the discipline and mode of education there adopted ought to be inquired into, seeing that there was every reason to believe that the institution seemed only intended to fit the students for a degree of submission and degradation that was totally incompatible with the genius of a free country. Could their Lordships doubt, then, that this was a case of oppression, and that many such cases occurred in consequence of Roman Catholic priests refusing to lend themselves to that course of conduct which was now agitating that country? But what was the behaviour of those immaculate right reverends who thus endeavoured to coerce the inferior clergy to further their political views? He held in his hand a letter which had been addressed to a noble Duke near him (the Duke of Wellington) through the public newspapers on the subject of the revenues of the established church, in which after expatiating in a bombastic style on civil and religious freedom, and asserting, that nothing could check its progress, the writer remarked—"Witness your impotent laws against the Catholic Bishops who are assuming their ancient and hereditary title. His Majesty's Bishops may become possessed of all the favours that his Majesty, the fountain of wealth and honour, can give them; but they cannot make that happen which is not to be, or deprive the Catholic Bishops of their rights." The writer concluded by expressing his determination not to pay tithes or any tax in support of the Church of England. So wrote John Tuam, as he signed himself. He would next direct the attention of their Lordships to the language used by some of the Roman Catholic

Clergy of the second order who were educated at the College of Maynooth. A priest at an election which took place at Clonmel thus addressed the electors respecting the candidate:—"Haven't we brought him to ye? I hope you'll keep him along with ye. We have brought you a man who will give his best aid and exertions in exterminating, root and branch, that abominable and dreadful nuisance—the church." Hear the sentiments of another person of the same class. They were part of a sermon which he delivered in a Roman Catholic Chapel:—"Who are those that will be saved? Those who possess the franchise and use it for the public good—those who vote for the liberal candidate at the expected election—those who consider the public good, and not their own private interest—those who will support the man who will oppose that church which I may call a nuisance, for it is the cause of all the murders, and massacres, and slaughters, that disgrace the present history of our country. Wo, wo, to the man that betrays his trust!" Such were the sentiments of men who had been educated at the public expense; such were the men whom the Legislature had protected and provided for. The majority of the Roman Catholic Bishops were members of that association in Ireland which had been condemned both in that and the other House of Parliament. The second order of the Roman Catholic priesthood were for the most part, the nominees of those Bishops who compelled them to act with them in the political movements that they deemed advisable to promote. Unless, then, some inquiry were instituted into this state of things, how could they indulge any hope of seeing Ireland tranquillized? He did not intend to make any motion on the subject, but he hoped that an inquiry would be promoted, and if it took place first in another place, perhaps it would be better, because there were many persons in that place who were interested in the question, and who could state their views of it, and would have an opportunity of showing upon what principle the present plan of education at Maynooth should be continued. The prayer of the petition which he now presented to their Lordships was for an inquiry into the case of the petitioner, not merely with regard to his own particular statements, but in reference to the actual condition of the second order of the Roman Catholic Clergy. He hoped the noble Viscount opposite would turn his attention to the subject, and examine into the state of things at Maynooth, with a view to ascertain whether it was not necessary to take some step to advance Christian piety, but not Popery.

Petition laid on the table.

HOUSE OF COMMONS,

Thursday, May 11, 1837.

Minutes.] Bills. Read a third time:—Millbank Penitentiary.

Voting for Private Bills.] Sir *S. Whalley* rose, pursuant to notice, to call the attention of the House to the division which had taken place on the motion of the hon. Member for Shoreham (Sir C. Burrell) on the 9th inst., for an instruction to the Committee on the Brighton Railways. In the majority on that occasion he found the names of several hon. Members whose names also appeared on the subscription-list for one of the lines of Brighton railway for considerable sums, and according to the rules of the House he considered that the votes of those Gentlemen ought not to have been allowed. Last year he had been a shareholder in one of the railways before the House and his vote had been struck out of a division in regard to that railway in consequence. He brought forward the motion purely on public grounds, and would not offer any opinion as to the practice of the House; but, considering the small amount of the majority on the occasion to which his motion alluded, and also disapproving of the motion itself, he thought he had only done his duty in affording the House an opportunity of revising its decision. He would beg to move, "That the resolution respecting the Brighton Railways of the 9th instant, which was carried by a majority of five, be entered on the journals as negatived, in consequence of the following six Members having voted for it, who have subscribed the Parliamentary contract for Stephenson's line, viz. Matthias Attwood, Esq., 4,000*l.*, Archibald Hastie, Esq., 2,000*l.*, Joseph Pease, Esq., 20,000*l.*, Joshua Scholefield, Esq., 8,000*l.*, William Tooke, Esq., 1,000*l.*, and Sir Andrew Leith Hay, 5,000*l.*, who has subscribed the Parliamentary contract for Gibbs's line."

Mr. *Pease* said, that it was extremely

painful for him to present himself to the House on a matter purely personal; but he had been injured by the motion which had just been submitted to the House, and he was convinced that, under the circumstances, some indulgence would be shown him. He had never been in any way, directly or indirectly, concerned with any one of the Brighton railways—he had never held shares in any of those undertakings—he had never subscribed the Parliamentary contract for any of them, and had no personal interest in the success of one line more than another. The shares alluded to in the motion were not in his name, but in the name of a relation, and the hon. Member might easily have known that such was the case, as the usual addition of M.P. was not attached to the name on the subscription list, but which would have been the case had it been his (Mr. Pease's) signature. Having stated this much, he would only add further, that he had given a conscientious vote on the occasion to which the motion referred, but he thought he had just cause to complain of want of courtesy on the part of the hon. Mover, for although he had taken tea with him upstairs last night, the hon. Gentleman had not given him any intimation of his intention to bring forward the present motion.

Mr. *Hastie* considered that he had been most uncourteously dealt with, as he had received no notice of the present motion till he had seen it in the votes of the House. Before his election he had purchased twenty shares, but in March of last year, having been returned a Member of that House, he disposed of those shares in the following April, and he had now no connexion with any of the lines of railway to Brighton. Having stated this much, he thought it was unnecessary for him to say more, as the House would see that he had violated no rule, and his vote had been given from a conviction that he was only discharging his duty to the public, and not from any personal or interested motives.

Mr. *Tooke* had no connexion with, nor any personal interest in, any of the railways to Brighton, or if he could be said to have any private interest in the success or defeat of any of the lines, it would have been in the defeat of Stephenson's line, the very one on the Parliamentary contract of which his name appeared as a subscriber. He had at one time held a share in that undertaking, but had long ago disposed of it, and was now in no way connected with either of the lines. That such was the case might easily have been ascertained, had the hon. mover of the present motion acted with the usual courtesy, and he thought he ought to have made himself acquainted with the facts of the case before placing his (Mr. Tooke's) name, and those of other hon. Gentlemen, on the votes of the House in connexion with such a motion.

Mr. *Charles Barclay* thought it was a farce to lay down a rule that no person should vote on motions regarding railways or other undertakings, who were shareholders, as Members, though not shareholders, might be actuated by a feeling stronger even than one which was purely personal. It was impossible to find out the actual motives which influenced any one to vote, and it would, in his opinion, be better to leave it to hon. Members themselves to determine on all occasions whether they ought or ought not to vote, and never to call in question the vote of any Member, on the ground of his being a shareholder in any undertaking which might be the subject of a division.

Sir *J. Graham* could not agree with the hon. Member for West Surrey, that the votes of Members should never be questioned, and should the hon. Member bring forward a specific motion, embodying the principle for which he had contended, he (Sir J. Graham) should be prepared to contend by argument against such doctrines, and by his vote to support a contrary motion, for it was his opinion, that whenever a pecuniary interest could be established, the vote should be struck off. In the present case, however, he did think that it would have been only courteous for the hon. Member, who had brought forward the motion, to have given some intimation of his intentions before placing such a personal notice on the votes of the House, and he further considered, that he ought to have made himself better acquainted with the facts of the case, for in three out of the six instances specified in the motion, the facts of his position had been distinctly negatived.

Lord *G. Lennox* said, that if the hon. Member brought forward his motion solely on public grounds, he should like to know why he had confined himself to railways on one side. Then were the names of hon. Members to be found on the list for Rennie's line, as well as on that of Stephenson's, and the hon. Member's motion ought, if it was brought forward on public grounds, to have embraced both.

Mr. *T. Attwood* observed, that he had seen the names of his colleague, and a near relative of his own, in the motion, and as both were absent, he considered it his duty to state, that he was perfectly persuaded they would be able to give as satisfactory an explanation of their conduct as had been given by other hon. Members. He thought the hon. Member who had brought forward the motion, had acted rashly in not making himself better acquainted with the facts of the case, and that he had been wanting in courtesy in giving no intimation of his intentions to those who were so prominently brought forward in his motion.

Sir *C. Burrell* thought the hon. Gentleman who had brought forward the motion, ought not to be allowed to withdraw it, and that it ought in justice to the Gentlemen who had been so prominently noticed, to receive a decided negative by the House. The motion had been most improperly brought forward, and it was a case of very great hardship that no notice had been given, as some of those who were deeply interested in the matter were, as he understood, in the country, and had no opportunity of vindicating their conduct.

Captain *Alsager* supported the motion, and said that, although some of the hon. Members, whose names appeared in the motion, had denied all connexion with the Brighton railway, yet their names still stood on the subscription list. Now, that subscription list was the one by which the House was to be guided in forming its opinion as to the probability of the undertaking being completed, should the Bill pass the House. It was the guarantee which the House had required for the protection of the public against gambling speculations, and if hon. Members had actually withdrawn their subscriptions, and their names still stood on the contract for large sums, then the list was no longer a *bona fide* one, and did not give the security which the House intended it should.

Mr. *Pease* said, his name was not on the list, it was the name of a relation.

Sir *S. Whalley* said, that the hon. Members who had stated that they had withdrawn were still, in point of law, shareholders, and responsible for the amount opposite their names.

Sir *A. L. Hay* entered the House, and said, that till the moment he entered the House, he was totally unaware of the motion which had been submitted to its consideration. The vote he had given had no reference to the adoption or rejection of any particular line out of the competing railways, but was given with a view of bringing before the House sufficient evidence to enable the House to decide as to the merits of the rival lines. In regard to his name being on the subscription list, he acknowledged that he was a shareholder, and still continued to be so, but his vote on the occasion alluded to was given conscientiously, and were the same motion before the House, he would again give his vote in its favour.

Sir *E. Wilmot* thought it only justice to the hon. Member who had last spoken, to state, that as his name had on a former occasion been mentioned in connexion with the Deptford and Dover railway, there was not a tittle of evidence to connect the hon. Gentleman with any improper proceedings in regard to that railway. He, as a Member of the Deptford and Dover Committee, thought he only discharged his duty in making that fact known to the House.

Motion negatived.

POOR-LAW (IRELAND).] Lord John Russell moved the Order of the Day for going into Committee on the Poor-law (Ireland) Bill.

The House went into Committee.

On the 15th Clause,

Mr. *Sharman Crawford* proposed an amendment, with a view of making each separate parish or town-land responsible for its own poor.

Viscount *Morpeth* said, the proposal of the hon. Member would, if carried into effect, assimilate the practice in Ireland to that of England, and introduce the separate rating of distinct parishes into that country. The circumstances of the two countries being different,—in the one a Poor-law having been in operation, in the other a Poor-law being about to be introduced,—it would be inexpedient to adopt the same system. It was, however, to be recollected, that the English Bill was more favourable to the combined system than to the separate; for it gave the power of forming unions. He hoped that the House would pause before it foisted on Ireland the laws of settlement which had proved a prolific source of dispute, discussion, and litigation in England. He thought that it was but prudent to take a district of fair size and diameter as the representative of the really existing distress. He could not believe that it was desirable to adopt the proposition of the hon. Member; he was of opinion, that if applied to Ireland, which was a new field for the operation of the Poor-laws, its effects would be prejudicial; and therefore he could not consent to it.

Mr. *Goulburn* thought, that the House should come to a decision as to the practicability of making a Poor-law, which had no provisions for settlement, work well.—Should the House determine that the principle of settlement must be adopted, he was willing to consider the schemes which might be proposed.

Mr. *O'Connell* was of opinion, that the Government had excluded settlement from their Bill. Those who wished for settlement should bring forward their views in the form of amendments. If the House could introduce the law of settlement, it would hesitate to do so after its experience of the mischief which it had effected in England. It might make the landlords attend more to their estates, but the advantages which that argument held out were encountered by the fact, that it gave rise to a series of litigation which would ultimately exhaust the land.

Mr. *C. Buller* was of opinion, that there could be no efficient system of Poor-laws without a law of settlement; without a law of settlement, every such system would be a complete delusion. Local settlement and local charges were the prime points of the Poor-law.

Lord *John Russell* wished that some definite proposition should be brought forward, on which the House might decide. It would be unfair to ask hon. Members to decide on the principle of settlement at once, when they might afterwards find that insuperable objections existed to every scheme of carrying that principle into effect.

Sir *James Graham* was sorry to add to the difficulty in which the House was placed. This, however, was the marrow of this most difficult subject. Mendicancy, it was admitted on all hands, was the great evil of Ireland. It was decided by the Bill, that destitution did not give an absolute claim to relief; and in the 42nd clause, the distribution of relief was left to the discretion of certain authorities. If there must be a settlement, he should prefer the Scotch system; if the system to be adopted were the parochial one, he should prefer the scheme of unions. But the real question was, should destitution, or should it not, constitute a claim for relief?

Mr. *S. O'Brien* admitted, that the right hon. Baronet had put the subject on the right ground. He hoped, however, the Government would not permit a law of settlement to be introduced.

Lord *John Russell* thought, that his right hon. Friend (Sir J. Graham) had not added to the difficulty of the question, but had facilitated the solution of it. It should be recollected, that if a right to be relieved somewhere were conferred, a right to removal to that particular place would follow. His right hon. Friend, or some other hon. Member might bring forward a distinct proposition to the desired effect.

Mr. *Shaw* was prepared to move some limitations to the relief which this Act would afford; he wished its operation to be confined to the sick, the infirm, and the aged. If destitution were made the test of just claims to relief, many difficulties would be the consequence, for each person who was destitute would imagine himself possessed of an equal right with others to relief.

Sir *Robert Bateson* was aware of the evils which had followed on the law of settlement in England; but he feared that greater evils would ensue if it were not introduced into Ireland. The opinion of the town of Belfast had been alluded to; it would, however, be recollected, that there was a great influx of Irish paupers on their road home from England into that town; and that there was some apprehension lest they should settle there. His wish was to tax the absentees, whereas, without a law of settlement, the taxation for the purposes of a Poor-law would affect the residents only.

Lord *John Russell* observed, that the Members of the Government had made up their minds long ago, and, indeed, he had stated so two months ago. He was ready to consider any proposition on the subject then or to-morrow, as might be agreed on. He did not, however, think that the motion of the hon. Member for Dundalk was a fit one for the discussion of the matter. It would be better for him not to press his motion then, and to discuss the law of settlement to-morrow.

Amendment withdrawn.

Mr. *O'Connell* wished to prefix some preliminary words, to the effect that "the Commissioners who might be appointed to carry the Act into execution, should be styled the Poor-law Commissioners for Ireland, and sit in Dublin."

The *Chairman* observed, that the hon. and learned Member was moving a specific Clause, which must be reserved till the end of the Bill.

Lord *Stanley* wished to move an amendment, in conformity with that of the hon. Member for Dundalk, for the purpose of bettering the discretion vested in the Commissioners. The Commissioners were to be endowed with the power of declaring districts to be unions, without reference to existing civil or ecclesiastical divisions. He, however, must object to their being empowered to interfere with the limits of property, and he thought that the extent of rate-paying ought to be conterminous with the boundaries of property. A proper centre for unions should be fixed, round which the other places might lie. The boundary of town lands was observed in estates; the same practice was followed in unions. If leave were given to the Commissioners to alter the boundaries, their parallelograms would, no doubt, appear very neat on paper; but the effect of the arrangement would be mischievous, for the property of the same individual might be parcelled out into different unions. He was in favour of the law of settlement; if the right to be conferred were a local one, then there should be a local assessment; if the right were a national one, then should the assessment be national also. He was for the local system, because it would give to every man an immediate interest in keeping down pauperism. He should now move that the words after "declare" should be omitted for the purpose of inserting the words "to unite such and so many town lands or towns for the purpose of making such union as they may think fit."

Lord *John Russell* admitted, that there would be a great advantage in adopting the division of town lands. He would not then object to the amendment, reserving always his right to oppose it.

Mr. *Lucas* moved, "That no district to be separately rated under this Act shall exceed, in extent, twenty square miles, unless the population in that extent shall fall short of 6,000 souls." The unions proposed by the Government would be totally unmanageable. They would require paid officers, whereas persons should be induced to undertake voluntarily the office of guardians of the poor. Considering this plan in a financial point of view, he thought it was very desirable in point of economy. The population of Ireland was 8,000,000 of souls; and the average population of an union comprising 400 square miles, would be 100,360 persons. But if, instead of the average of all Ireland, a district was taken where the population was more dense, as in the province of Ulster, the population contained in the district over which the union would extend, would be increased as much as fifty per cent. Take, for instance, the county of Monaghan. An area of 400 square miles in that county, would contain 154,000 souls. Another consideration, and a very important one, which suggested itself, was, that if the rating was commensurate with the size of the union, they would remove all incentives to individual exertion in lowering the amount of the rate. If, on the other hand, the union were confined to an area of twenty square miles, and a farmer were able, by his personal exertions and superintendence, to diminish the rate even a halfpenny or a farthing in the pound, he would have a motive to attend to the working of the system and scrutinize its details. The consideration as to voting, was also a very important one. If the right of voting was to be maintained according to the provisions of the Bill, he should show how great a number of voters would be brought together. An area of 400 square miles for an union on the average of Ireland, would contain 26,633 families. He would not, however, take the average of all Ireland, but would go to particular places. He knew, that if this plan were adhered to in certain estates with which he was acquainted, the proportion of 5*l.* voters for such an union would be from 18,000 to 20,000. He wished to show, on the other hand, what would be the scale of voters in an union of the extent which he proposed. On the average in Monaghan, there would be about 1,000 persons who would have a right to vote. He conceived, that that number was quite enough, and that a larger body of voters would be unmanageable. Upon these grounds, without troubling the House at any greater length, he should move his amendment.

Lord *John Russell* thought, that this was a very inconvenient restriction to be imposed upon the Commissioners. The hon. Gentleman would perceive, that the Bill did not propose any particular limit for the extent of the union, but left that to the discretion of the Commissioners. The hon. Gentleman's proposition would confine the Commissioners, where there was a population of 6,000 persons within the area he suggested, to a space, the limits of which would be less than two miles and a-half from the workhouse, and which would hardly contain a sufficient number of persons fit to form a Board of Guardians. There were forty unions in England, of which the population exceeded 10,000 persons, and they were very much better managed than those unions which had only 3,000 or 4,000 inhabitants. There was another consideration to which he begged to call the attention of the hon. Gentleman, which pointed out the wisdom of leaving a good deal to the discretion of the Commissioners. The Bill proposed, that relief be given in the workhouse. Now, if relief were given in the workhouse only, the business of the guardians would be far more simple, and would require far less attention and time, than was the case in England. The guardians in England had to consider the different rates levied, or to be levied, in the different parishes of the union, the claims of poor and infirm persons, and other matters, which occupied many hours in the day. But if relief were given in the workhouse only, the time of the guardians in Ireland would be very little occupied. If, however, the Committee should come to a different opinion, and say, that relief ought not to be confined to the workhouse, and that out-door relief should be given, then the Commissioners might come to a very different opinion as to the extent of the unions; but in either case, it would be far better to leave the rule to the discretion of the Commissioners. For these reasons, he hoped the Committee would not assent to the proposal of the hon. Gentleman, and would leave the point undecided.

Lord *Stanley* was inclined, on the whole, to agree with his noble Friend opposite, that it would be better not to confine the Commissioners in the exercise of their discretion. He thought, however, that a district which, according to the proposal made by the Commissioners, would contain about 80,000 persons on the average, would be much too large. But, at the same time, he was not insensible to the advantage which would be gained where the extent of the union was large, from the greater facilities of obtaining efficient and working men as guardians of the poor. The point to hit was this—that the union should extend so far that, from its extreme limits, persons might come without inconvenience to the workhouse for relief, and at the same time so widely, as to obtain with great combination in the management, the highest degree of economy. An area of twenty square miles was, in his opinion, infinitely too small for these purposes. The local management, in these cases, would fall into improper hands. At the same time, if it was the opinion of the House that a law of settlement ought to be introduced into Ireland, he was not prepared to say whether, as regarded the local management, with the view of individualizing the burthen and responsibility, it might not be advisable to subdivide the unions for the purpose of rating. He would give to each individual district a reason to interest itself in the management of the whole union, in a manner analogous to the system prevailing in England.

Lord *Clements* quite agreed with the general remarks which had been made by the hon. Member for Monaghan; but he could not concur in his conclusion. In matters of this sort it was best to look to experience, he admitted; but, when one of the Poor-law Commissioners recommended an area of 400 square miles for an union, he turned to see whether there was anything of the kind in England. He had extracted the accounts of the number of square miles in the area of the twelve largest unions which at present existed in England, and he found that not one of them equalled 300 square miles. He thought, therefore, that it was necessary for the House to express some opinion as to the size of the unions in Ireland. He should, therefore, move the following amendment—" Provided always, that in every case where the proposed union exceeds an area of 150 square miles, and the population in such union exceeds 25,000 persons, the Commissioners, at the time of the formation of such union, shall make a special report to one of his Majesty's principal Secretaries of State, forty days before the declaration of such union, which special report shall be laid before both Houses of Parliament after the commencement of every Session."

Mr. *Lucas* observed, that he owed every deference to the suggestions which had been made by hon. Members, and if the House had agreed with him as to the propriety of his amendment, he should have proposed that each district should be separately liable for its proportion of the expenses of the workhouse. However, as the noble Lord, the Member for North Lancashire, had indicated a wish to localise the expenditure of each union, he was quite content to withdraw his amendment.

Mr. Lucas withdrew his amendment. The Chairman put the amendment proposed by Lord Clements.

Mr. *Wyse* was understood to say, that the House had not yet provided proper machinery to work the Bill. He was afraid, therefore, that they would get into difficulties.

Viscount *Howick* hoped the noble Lord, the Member for Leitrim, would withdraw the amendment which he had proposed, because there was no good ground for restricting the discretion of the Commissioners. If they were to insert a proviso in the Bill to the effect that these unions should not exceed a definite limit, the Commissioners, under whatever circumstances might arise, would probably meet with great difficulty and opposition in any attempt which they might make, by increasing that limit, to adapt it to the exigencies of a particular case.

Lord *Clements* was of opinion, that none of the arguments which he had heard from hon. Members, affected the principle of his proviso. If no limit were assigned, he could not see any thing to prevent the Commissioners from making the unions of far too great an extent to be practically beneficial. For his part, he was not at all desirous to confine the Poor-law Commissioners in the exercise of their power, in any way which could be justly considered harsh or irksome towards them. All he sought, was the establishment of such an arrangement as would be productive of the best practical relief, and he trusted, in this matter, to have the support of the Irish Members, who were now in Committee.

Mr. *James Grattan* could not concur in opinion with the noble Lord upon this subject. His noble Friend's proposition was of too expensive a nature. He would, in effect, treble the number of poor establishments. Moreover, in his opinion, if the limits of the unions were narrow, the class of persons who would fill the office of guardians, would not be of the most respectable description. He thought the proposed Poor-law Bill would work exceedingly well; at all events it would put a stop to jobbing—a calamity by which Ireland had been proverbially afflicted.

Mr. *P. Thomson* thought, that the question was decided by the observation which had fallen from the hon. Member for Wicklow—namely, that in unions of a limited extent, it would be difficult to find persons properly qualified to act as guardians. It was quite clear, that the Commissioners would make the unions of the size which circumstances would render most desirable: and to their decision he trusted the noble Lord would leave the matter.

Sir *J. Graham* denied that the management of the Poor-law establishments in England had been proved to be good, in proportion to the extent of the unions. He was disposed to think, that the more they concentrated local knowledge, the more they would conduce to the advantage of the paupers generally. By increasing the area, they would increase the difficulty of attendance at the Board of Guardians, particularly of those whose attendance would be most desirable.

Mr. *Lennard* differed from the right hon. Baronet. No matter how extensive the district, no applicant could make his appearance before the Board of Guardians, of whom some member of the board would not possess some knowledge.

Mr. Sergeant *Woulfe* said, that they were now about to try an entirely new experiment in Ireland. They were about to introduce into that country, a system which had been hitherto untried in any part of the empire. While they established a system of taxation for the relief of the poor, they acknowledged, on the part of the poor, no right to this relief, except according to the discretion and good will of the persons who laid on the rate. With respect to the Amendment, he believed, that it would be found wise and politic to give to the Commissioners as large powers as they possibly could.

There was much less chance of the Commissioners abusing their power by the performance of erroneous acts, than there was of the House now committing serious mistakes, by making legislative restrictions beforehand.

Lord Clements withdrew his amendment.

The Clause ordered to stand part of the Bill.

On the 19th Clause (Commissioners may divide unions into electoral districts)

Mr. *O'Brien* suggested that no electoral district should contain more than 6,000 inhabitants. Such a number would be as many as could be attended to.

Lord *Stanley* proposed that these words should be added to the clause:—"that any such union shall be divided in such a manner, that no townland comprised within an union shall be divided." By adopting this rule they would adhere to some certain and recognised boundary in the divisions of unions.

Lord *John Russell* objected to the amendment on the ground that the adoption of such a principle would be attended with considerable inconvenience.

The Committee divided on the Clause:—Ayes 69; Noes 47: Majority 22.

The Clause agreed to.

On the 20th Clause,

Mr. *Sharman Crawford* moved as an amendment, that for 3,000 inhabitants there should be at least one guardian.

Lord *Morpeth* said, it would be better to leave the matter to the discretion of the Commissioners.

The Committee divided on the amendment:—Ayes 11; Noes 77: Majority 66.

List of the AYES.

Bellew, R. M.
Chapman, L.
Clements, Viscount
Evans, G.
Hindley, C.
Maher, J.
O'Conner Don
Ruthven, E.
Sheil, R. L.
Wyse, T.
Young, G. G.

TELLERS.

Crawford, S.
O'Brien, W. S.

List of the NOES.

Aglionby, H. A.
Archdall, M.
Ball, N.
Baring, F. T.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bruen, F.
Callaghan, D.
Cooper, E. J.
Corry, rt. hon. H.
Damer, G. L. D.
Dillwyn, L. W.
Dunbar, G.
Duncombe, T.
Ebrington, Viscount
Ferguson, Sir R.
Finch, G.
Fitzsimon, C.
Forbes, W.
Fox, C.
Goulburn, H.
Graham, Sir J.
Grattan, J.
Hamilton, G. A.
Hayes, Sir E. S.
Howard, R.
Howard, P. H.
Howick, Viscount
Jephson, C. D. O.
Jones, T.
Lennard, T. B.
Lennox, Lord G.
Longfield, R.
Lowther, J. H.
Lucas, E.
Lynch, A. H.
Maule, hon. F.
Morpeth, Viscount
Murray, J. A.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferral, R. M.
Palmerston, Viscount
Parker, J.
Parrott, J.
Perceval, Colonel
Philips, M.
Ponsonby, W.
Ponsonby, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Pusey, P.
Russell, Lord J.
Scrope, G. P.
Shaw, rt. hon. F.
Smith, V.
Stanley, E. J.
Stanley, Lord
Steuart, V.
Talbot, C. R. M.
Tennent, J. E.
Thomson, rt. hn. C. P.
Townley, R. G.
Vigors, N. A.
West, J.
Westenra, H. R.
Westenra, J. C.
Woulfe, Sergeant
Young, J.

TELLERS.

Labouchere, H.
Steuart, R.

The House resumed.

PAYMENT OF RATES.] Lord *John Russell* moved for leave to bring in a Bill to regulate the payment of Rates and Taxes by parliamentary electors and for the abolition of the stamp duty on the admission of freemen.

Mr. *Forbes* objected to the motion.

The House divided:—Ayes 29; Noes 9; Majority 20.

List of the AYES.

Bernal, R.
Blake, M. J.
Brotherton, J.
Chalmers, P.
Crawford, W. S.
Duncombe, T.
Ebrington, Viscount
Gordon, R.
Hindley, C.
Jervis, J.
Labouchere, H.
Lennard, T. B.
Lennox, Lord G.
Lynch, A. H.
Maule, hon. F.
Morpeth, Viscount
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Pryme, G.
Pryse, P.
Robinson, G. R.
Russell, Lord J.
Sheil, R. L.
Stanley, E. J.
Woulfe, Sergeant
Young, G. F.

TELLERS.

Smith, V.
Baring, F. T.

List of the NOES.

Forster, C. S.
Goulburn, H.
Hayes, Sir E. S.
Knight, H. G.
Perceval, Colonel
Stanley, Lord
Tennent, J. E.
West, J. B.
Wood, Colonel T.

TELLERS.

Graham, Sir J.
Shaw, rt. hon. F.

Leave given to bring in the Bill.

HOUSE OF LORDS,

Friday, May 12, 1837.

MINUTES.] Bills. Read a second time:—County Courts.
Petitions presented. By several Noble LORDS, from various places, for, and the Duke of WELLINGTON and other Noble LORDS, from various other places, against the abolition of Church-rates.—By Lord GORT, from the Grand Jury of the City of Limerick, against the Local Rating Act.—By Lord SEGRAVE, from Bradenham and West Wyckham, for the abolition of Church-rates.

MUNICIPAL REFORM (ENGLAND).] Lord *Wynford* presented a petition from Bristol, complaining of the manner in which the municipal affairs of that city had been conducted under the English Municipal Act. The noble Lord read a long statement, contradictory of the Report which had been read by Lord Melbourne to the House, a few weeks ago. The petitioners set forth, that the general municipal affairs of the city had been more cheaply and effectively carried on under the old Act; they complained of the present division of the city into wards, of the manner in which justice was administered, of the management of civic property and charitable trusts, and also that the police established under the new Act were not an efficient body, inasmuch as there had been no diminution of crime.

Viscount *Melbourne* had used every exertion to obtain as impartial and satisfactory information on this subject, as he possibly could; at the same time he had stated that that information had been affected to a certain degree by political feeling, not only as regarded Bristol, but every other part of the country. Considering, then, that this Municipal Bill had been the subject of so much debate, —considering, also, that it affected the interests, and still more so the feelings of numerous individuals in those towns,—considering that it was a measure which had been carried against their wishes and opinions, it was impossible to expect that there could be anything like a concurrence or unanimity of opinion respecting the mode in which its operations were carried into effect. He was not the least surprised, therefore, at the petition which had been presented by the noble and learned Lord. Upon the contents of that petition the noble Lord was inclined to rely, as he had relied upon the information which he had received on the subject; the noble Lord, however, had not contented himself with relying entirely upon the statements contained therein, but had gone further than the petitioners. They set forth, that many of the statements in the report were exaggerated and untrue, while the noble Lord said, that they were all so. He thought the noble Lord might have confined himself to his brief, as he had to that which he had received, instead of going beyond the opinions of his clients. He believed that this Bill had worked well in Bristol, and he certainly, in forming an opinion on the subject, would not be guided by the statement of the petitioners or the noble Lord, for it was evidently the case of the old corporation and its partisans. It was at all events an eulogy upon the old system. There might be truth in some parts of it, but he was not then prepared to go into the various allegations it contained. Almost the only tangible point in it was that respecting the police. The petitioners denied that they had afforded any security. Now, judging of the working of this Bill in other towns, he had come to the conclusion that the police arrangements made under it had been attended with the most beneficial results. If there existed any grounds for the complaints contained in this petition, he hoped the town-council would see them redressed, and that all parties in the town would unite to secure those benefits which were intended to be conferred by the Bill.

Lord *Wharncliffe* observed, that however it might have been intended that the Bill should have worked, it had, nevertheless, worked badly. He, indeed, hoped, that its general effects, but, above all, that the use to which it had been converted for political purposes, would serve as a warning to their Lordships to be extremely cautious in dealing with the Municipal Bill for Ireland. He would here take leave to observe, that, by a reference to the votes of the proceedings in the other House of Parliament, he had perceived, to his very great astonishment, that the second reading of the Irish Church Bill, which was one of those measures their Lordships had expressed their desire of having before them before they proceeded to legislate upon the Irish Municipal Bill, had been fixed for the 9th of June—the very day to which they had referred the consideration of the Irish Corporation Bill. He was the more surprised at this, when he recollected that the noble Lord, the Secretary of State in the other House, had declared that they would proceed with the Irish Church Bill, without reference to anything that had occurred in their Lordships' House. The 9th of June had, notwithstanding, been fixed for the second reading of the Bill. If such a course as this were to be persevered in, it would be utterly impossible for them to proceed with the business of that House.

The Marquess of *Lansdown* had no hesitation in saying, that nothing had been done in the other House of Parliament with a view to deprive their Lordships of the opportunity of considering certain measures pending in the House of Commons before they should decide upon what course to pursue with respect to the Irish Municipal Bill. The postponement which had taken place was entirely the result of necessity consequent upon the mode of arranging business in that House. Their Lordships, however, would not be affected by that postponement, as the Irish Church Bill would be printed, and in the hands of Members before their Lordships would proceed to the consideration of the Irish Municipal Bill.

The Earl of *Wicklow* also expressed his surprise that the same day should have been fixed for the consideration of the Church Bill in the House of Commons as that appointed for the further progress of the Irish Municipal Bill in that House, and until he had heard the explanation given by the noble Marquess, he had conceived that such a course evinced on the part of the Government a desire to thwart the views of noble Lords in that House, and that the probable result of it would be, the further postponement of a question, which his Majesty's Ministers had stated, it was very desirable to have disposed of immediately. The explanation of the noble Marquess was, therefore, to some extent, satisfactory; but the noble Marquess seemed to think, that the object which noble Lords had in view when they deferred the consideration of the Irish Municipal Bill, would be equally well attained by their Lordships obtaining copies of the Church Bill as printed for the use of the Members of the other House. He entirely differed from the noble Marquess on that point. It was quite a different thing to see a Bill in the state in which it was introduced to the other House, and that in which it came up to their Lordships. How could they tell what amendments would be made in it, what alterations it might undergo in its progress through the other House, and consequently, what degree of security it would furnish in the minds of those who felt that security was necessary, before they proceeded to grant Municipal Corporations to that country as proposed by the present measure? He was of opinion, therefore, that the object of their Lordships in postponing the consideration of the Irish Corporation Bill could not be attained, until the other measures, which they were desirous of seeing, should be brought up from the House of Commons; and, moreover, he felt it necessary for his own consistency, to say, that he should deem it his duty at a future period, to move the further postponement of the Corporation Bill until those other measures should be before that House.

Lord *Brougham* would remind their Lordships that during the debate on the Irish Municipal Bill the other night, he had stated how the delay of five weeks was likely to be received elsewhere. He had given his opinion, not as a threat to their Lordships, but in order to place before them, for their consideration, the conduct the other House would probably adopt; and he had stated that their Lordships example, in their unfortunate decision of delay to the 9th of June, would be followed. He had expected what had happened, not the exact form adopted by the other House, but he had anticipated something similar. The question now was, whether the course adopted by the House of Commons would not make their Lordships pause, and consider the vote of the other night, or whether, as often as their Lordships were opposed in one of their views, *toties quoties*, they would invent other means of throwing out the Bill. He thought it would suit the peace of the country better, and be more in accordance with the dignity of that House and the manly and straightforward character of their Lordships, to announce their intention of throwing out the Bill, instead of putting it off from day to day, by which means, they were lowering their reputation with the country.

The Earl of *Falmouth* entirely agreed with his noble Friend (Lord Wharncliffe), that the working of the English Municipal Bill did not at all bear out the statement of the noble Lord opposite, (Lord Melbourne). Although that Bill might not have been intended for exciting political feuds, he knew no measure that had caused more. It promoted the opposite of peace and harmony in the country.

The Earl of *Haddington* would not prolong the discussion, but would make one remark in reference to what had fallen from noble Lords opposite, and he was pleased to hear the noble Lord (Lord Melbourne) disclaim any intention on the part of the Government to play the game of retaliation, although the delay of the Irish Tithe Bill seemed to indicate it. It was impossible for their Lordships to proceed, without compromising their duty, until they knew in what shape the Irish Tithe Bill was likely to be sent up to them. It would be different if that Bill stood for Committee on the 9th of June, but it was in a much less advanced state. Their Lordships must again postpone the Irish Municipal Bill, but it was not necessary then to discuss that point; at the same time he would protest against the inference drawn by the noble and learned Lord (Lord Brougham) that it was the intention of that House to reject the Bill altogether.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, May 12, 1837.

Minutes.] Bills. Read a third time:—Annual Indemnity.

Petitions presented. By Mr. Wilks, from the neighbourhood of Boston, against Church-rates.—By Mr. Warburton, from John Stevenson, Surgeon, of Limerick, against the power invested in the Apothecaries' Company of Dublin.—By Mr. Pease, from Methodists in Durham, for the abolition of Church-rates, and the better Observance of the Sabbath.—By Mr. W. Miles, from Blackburn, against the Ministerial plan respecting Church-rates.—By Mr. W. Patten, from Lancaster, for a repeal of the Duty on Raw Cotton.—By Sir George Clerk, from Dundee and Falkirk, against the Municipal Corporations (Scotland) Bill.—By Sir R. Bateson, from parishes in Antrim and Down, against the system of National Education in Ireland; and from Londonderry, complaining of the existence of the National Association.—By Mr. Tennant, from shareholders of the Agricultural Bank of Ireland, praying that they might be at liberty to go in immediately before the standing orders Committee, in order to prove the truth of their allegations against the Agricultural Bank.—By Mr. S. O'Brien, from Croome and other parishes in the county of Limerick, for abolition of Tithes.—And by Mr. Grote, from a parish in London, against Church-rates; and one from certain Debtors in White-cross-street prison, in favour of the Imprisonment for Debt Bill.

Presentation of Petitions.] Lord *J. Russell* rose to move, that the House at its rising adjourn until Wednesday. He would take the liberty of saying a word or two on a practice which had formerly prevailed, and which he had been told was in some danger of being revived—he alluded to the practice of entering into discussions on the presentation of petitions. He begged hon. Members to recollect that this was a real inconvenience to petitioners themselves, as the presentation of forty or fifty petitions might be delayed, while one or two hon. Members were raising a discussion on those with which they were intrusted. Another evil that he thought would be found to result from the practice was, that it would alter for the worse the character of the debates, as it absorbed those opinions which would more properly be brought forward when a subject was fairly before the House. He could not think that hon. Members would revive the practice after the opinion which the Speaker had lately expressed upon it, and he could not conclude without observing that he thought the House was highly indebted to the right hon. Gentleman for the course he had taken on the subject, which would tend to a greater facility in the presentation of petitions, effect a saving in the time of the House, and maintain the character of their discussions by confining them to those occasions when the subject was properly before the House, instead of wasting its time in fruitless and desultory debate. He was glad to perceive that he was not without the concurrence of the House in thus calling their attention to the rule, "which," said the noble Lord, "I am sure the House will agree with me in acknowledging that you, Sir, have so well enforced." The noble Lord then moved "That the House at its rising do adjourn until Wednesday, the 17th of May."

Mr. *Hume* must differ from the noble Lord, unless he were prepared with some other plan of taking notice of petitions. He thought it would be better to lay the petitions on the table of the House, to classify them, and then name a day on which they might be taken into consideration. If some such plan were not adopted, he thought it would be better to leave the matter to the discretion of Members, as, for instance, the case of the petitions that had been presented by the hon. Member for Berkshire on an important subject was an occasion on which he thought the rule should be relaxed.

Sir *J. Graham* could not concur with the statement of the hon. Member for Middlesex. So far from regretting, he was happy that the noble Lord had introduced the subject. The ancient practice was, that no discussion should take place on the presentation of petitions, and it was not until 1817 that that practice was departed from. He thought that it would be most objectionable to leave it to the discretion of Members to decide whether they would or would not make a statement on the presentation of a petition. The great evil of the present mode of doing business in that House was, that so much time was wasted in the debates in talking upon subjects that were utterly irrelevant to the question under consideration. The consequence was, that so little business was done. If they allowed discussions on the presentation of petitions, they would consequently have long debates which would lead to no result. He thought that the plan that had been adopted by the Speaker was a most useful one, and ought to be continued. Under the present arrangement, when notice was given of the presentation of a petition which an hon. Member deemed of importance, every facility was given by the chair to the statement of facts contained in the petition, but not to debating upon a general question. He sincerely hoped the result of what was then passing would be a strict adherence to the rule which the Speaker had so successfully established, and which had proved to be so beneficial.

Mr. *Warburton* did not wish to sanction the practice established by the Speaker on the ground of antiquity, but he would do so on the reasonableness of it. It would be impossible to conduct the public business in that House if their time could be taken up, at the pleasure of hon. Members, by discussions on the presentation of petitions. It was just as impossible that two bodies should occupy the same space as that the Members of that House should find time for debating on petitions and for conducting the ordinary business of the House. He considered the practice that had been recurred to was a most useful practice, and he hoped the House would not break through it. It should also be recollected that it was sufficient to give notice of the presentation of a petition to be able to make a statement on it. By this means greater attention was given to the more important petitions than was formerly the case. At present all petitions were referred to a Select Committee, who, reported to the House the nature and prayer of each petition and the number of regulations affixed to it. This was a most useful practice.

Viscount *Palmerston* observed, that the rule that had been laid down was as much for the interests of the petitioners as it was for the facilitating the conducting the public business. He hoped the House would adhere to the practice as a general rule.

Mr. *C. Buller* objected to the rule, because it did not go half far enough. He thought that the suggestion of the hon. Member for Middlesex as to referring petitions to Committees was worthy of serious attention.

Lord *Sandon* agreed with all those who had said there should be no debate upon petitions; and he was sure that the House would, in general, bow to the authority of the Speaker on the subject. The rule, however, ought not to be too strict.

Mr. *Wakley* wished to know precisely how far a Member was allowed to go. Merely stating the place whence a petition came, and its prayer, was a useless ceremony, and they might as well put petitions into the bag at once without saying a word. He agreed with the right hon. Baronet opposite, that too much time was l st in that House in useless discussions, but it was not upon petitions. He was sorry to say that more time had been consumed by the hon. Gentlemen opposite opposing justice to Ireland than had ever been done upon petitions.

HAND-LOOM WEAVERS.] Mr. *John Maxwell* rose to move, as an amendment to the motion of the noble Lord for an adjournment, for leave to bring in a Bill to give publicity to the prices of hand-loom weavers. He should persist in this motion if the noble Lord or the President of the Board of Trade did not promise that the Government would take up the subject, and do something for that most deserving class of persons whose cause he advocated. He trusted that the noble Lord would not be led away on this subject by the President of the Board of Trade. The hon. Member concluded by moving accordingly.

Mr. *Poulett Thomson* denied that Government had opposed any obstacles in the way of the hon. Member. He (Mr. P. Thomson) had been there twice on notice days when the hon. Member had given notice of his intention to bring in the Bill in question. On one occasion the House had been counted out, and on the other the hon. Member was not in his place. The hon. Member, not having availed himself of his legitimate opportunity, now wished to interpose his Bill by way of an amendment on the question of the adjournment of the House. If his hon. Friend would postpone his notice to an ordinary notice day, he would have plenty of opportunity for introducing his measure. He would tell his hon. Friend candidly he had no sort of objection to the introduction of the Bill, though he should vote against it in its future stages, because he was satisfied no plan could be devised by means of a bill by which the object of his hon. Friend would be attained. He should like, however, to see the Bill introduced, in order that his hon. Friend might be convinced of its impracticability. His great objection was to the introduction of the measure at the present moment; and if his hon. Friend persevered in his motion he should certainly vote against it. At the same time, also, his hon. Friend should recollect that there were other Members present who would oppose even the introduction of such a Bill.

Mr. *Wortley* hoped that the House would do justice to the suffering hand-loom weavers, by allowing the Bill to be introduced.

Mr. *P. Thomson* explained that he had no objection to the introduction of the Bill. His objection was to its being introduced at the present moment.

Mr. *Aglionby* implored his hon. Friend not to press his motion for the introduction of the Bill at the present moment, for it would injure the cause he had in view if he thus endeavoured to force it.

Lord *John Russell* had no objection to such a Bill being brought in, if the motion was made at a proper time; but he certainly did object to its being moved as an amendment when there was another question before the House. As it was, if the hon. Member made his motion it would lead to a discussion, which would probably last the whole evening; he therefore recommended him to postpone it to a future day.

Mr. *Hindley* proposed that the discussion be postponed till Wednesday.

Mr. *Maxwell* said, that he should persist in his motion.

The House then divided on the original motion. Ayes 82; Noes 39; Majority 43;

List of the AYES.

Angerstein, J.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. C.
Bernal, R.
Bowes, J.
Buller, C.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Chapman, M. L.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Colborne, N. W. R.
Collins, W.
Conolly, E. M.
Coote, Sir C.
Corbett, T. G.
Divett, E.
Duncombe, hon. A.
Dundas, J. D.
Fox, C.
French, F.
Gaskell, J. Milnes
Graham, rt. hon. Sir J.
Grattan, J.
Grey, Sir G.
Hall, B.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Heathcote, J.
Herries, rt. hon. J. C.
Howick, Viscount
Hume, J.
Hutt, Wm.
Jephson, C. D. O.
King, E. B.
Knight, H. G.
Lennox, Lord George
Lennox, Lord Arthur
Leveson, Lord
Lowther, J. H.
Lynch, A. H.
Morpeth, Viscount
Nicholl, J.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Palmer, General
Palmerston, Viscount
Parker, J.
Pattison, J.
Pease, J.
Ponsonby, hon. J.
Pusey, P.
Rice, rt hon. T. S.
Robarts, A. W.
Rolfe, Sir R. M.
Russell, Lord J.
Sandon, Viscount
Smith, R. V.
Stanley, E. J.
Stanley, Lord
Stuart, V.
Thomas, Colonel
Thomson, rt. hn. C. P.
Thompson, Colonel
Vesey, hon. T.
Warburton, H.
Weyland, Major
Whalley, Sir S.
White, S.
Wrottesley, Sir J.

TELLERS.

Seymour, Lord
Steuart, R.

List of the NOES.

Agnew, Sir A.
Arbuthnot, hon. H.
Attwood, M.
Attwood, T.
Baines, E.
Baring, T.
Bateson, Sir R.
Borthwick, P.
Brocklehurst, J.
Brotherton, J.
Chandos, Marquess of
Crawford, W. S.
Denistoun, A.
Ellice, right hon. E.
Fector, J. M.
Freshfield, J. W.
Gillon, W. D.
Gordon, hon. Capt.
Gore, O.
Hamilton, G. A.
Hayes, Sir E. S.
Hindley, C.
Hoy, J. B.
Lucas, E.
Mackinnon, W. A.
Mosley, Sir O.
Mullins, F. W.
Ross, C.
Rushbrooke, Colonel
Shaw, rt. hon. F.
Somerset, Lord G.
Trevor, hon. A.
Wemyss, Captain
Whitmore, T. C.

Wilmot, Sir J. E.	Young, G. F.
Wodehouse, E.	TELLERS.
Wood, Colonel T.	Maxwell, J.
Wortley, hon. J. S.	Aglionby, H. A.

Original motion agreed to.

POOR LAW (IRELAND) SETTLEMENT.] The Order of the Day for the House to go into Committee on the Poor Relief (Ireland) Bill was read. On the question that the Speaker do leave the chair,

Mr. *Lucas* rose to move the instruction to the Committee of which he had given notice. The hon. Member for Dundalk had given notice of certain amendments which he should have deferred to had it not appeared to him that they brought the question before the House by implication instead of in a distinct form; and the opinion which he entertained of them was shared with him by the Committee on this Bill of last night. The amendment he was now prepared to move was to the following effect: "That it be an instruction to the Committee to introduce a provision for settlement, so as more justly to apportion the pecuniary charges to be incurred and levied under the name of poor-rates." He thought the first inquiry he ought to make was, what was meant by the term "law of settlement." He only knew of the term as it was recognised by the law of England prior to the passing of the Poor-law Amendment Act. The law of England, prior to the late amendments, gave to the poor the right of relief—if not in terms, at all events the practice under that law had given a right by prescription, so that, as it was understood and acted on, those who in any parish were destitute had a right to call on that parish for relief. The relief was given on certain conditions, which constituted the law of settlement. The object of imposing those conditions seemed to have been to confine and regulate, or possibly to limit, the claims on each parish; thus the parishes were each surrounded with a certain imaginary line, the poor within which could claim relief, and the poor without which could not. It was concluded that as the rates were confined to the parish, and as the introduction of poor persons, and persons likely to become chargeable, would add to the burthen of each individual parish, the rate-payers would be influenced by the strongest motives to oppose the introduction of such parties. Such had been the effect of the system. The parishes did oppose the introduction of poor into their locality by every legal means in their power, and he might add, in many instances by means which were not legal. This opposition was carried to a degree of harshness which prevented the honest and industrious poor from pursuing their ordinary avocations. On the other hand, the poor practised trick and chicanery to prevent the law from being enforced. Thus a most prejudicial contest was carried on between the rate-payers and those who wished to throw the whole burthen of their maintenance on the rate-payers. While men were in easy circumstances, or were in sound health, and capable of contributing their labour, the rate-payers did not object to their residence amongst them, because they added to the wealth and power of the parish; but when it became apparent that they were likely to become chargeable, then the rate-payers turned round on them and had recourse to all possible legal means for their expulsion. The consequences of that system were now acknowledged to have been the greatest mischief to the country at large, as well as a great hardship to individuals; serious obstacles were thrown in the way of honest industry, which, instead of finding an open and fair market, came to be considered something that was contraband, and was reduced to the necessity of smuggling itself into employment. The question before the House at present was, not whether they should frame a law which possessed the features of that system for Ireland; such a proposition would be as monstrous in itself as it would be prejudicial to the country whose interests were under discussion. It was their honest intention to frame a law as useful as their best judgment, formed by such means of information as they possessed, would allow, and he was not surprised, therefore, that the Government had revolted at the idea of introducing such a system into another country. He, however, thought it a question which deserved serious consideration, whether a part of the old law could not be adopted —whether they could not construct a system which would define chargeability without bringing with it the terrible evils which the English law of settlement had entailed on the country, and which he most heartily desired to avoid. He thought the proposed measure liable to this objection, that if there were an influx into any particular parish of 100 poor, imposing a charge of five pound per head, the burthen would so far exceed the estimate, and would fall so heavily on the rate-payers of the said parish, that they would refuse to pay the rates. Mr. Nicholls had admitted, that a little inconvenience might result from the first working of the system, but he argued that it would soon be removed; his opinion was, that if there were an overflow at one place or another, that would prove to the rate-payers and guardians of the union that they had not managed well, and that they must alter their plan of proceeding. He considered Mr. Nicholls, in this respect, under a mistake, for what materials would the rate-payers or guardians have for the removal of the evil? According to the Bill, and he did not object to it in that respect, nothing more than a bare sufficiency was to be provided for the paupers —how then could they check or get rid of the influx of paupers by lowering that which was barely sufficient already? The food was to be of the coarsest description, and the quantity a bare sufficiency; would it not be impossible, then, for them to reduce it in either quantity or quality? To adopt a uniformity of allowances would be exceedingly difficult. The poor would pour into the more favoured districts, and if, to get rid of an overwhelming population, the rate-payers were to be obliged to reduce the relief, what a system of tyranny was not the House about to sanction? With regard to the casual poor, they might be charged on the nation at large; but that would not get rid of the necessity of a law of settlement, because they must define who the casual poor were. The motion with which he was about to conclude, he had purposely drawn up in the widest possible terms, his object being to conform to the wish of the House, which he understood to be, that the general question should be discussed unembarrassed with any particular details. The motion that he meant to propose was one composed in very general terms; it was intended that upon that motion the House should express its opinion. If the House approved of it, the Members would not be bound to any particular plan, but the details of a plan might be considered in Committee. In order, then, that the House might be fully aware of the plan that he proposed, and what it was that he desired to have done, he should endeavour to explain it. He should propose that any pauper casually found in any district in a destitute state, whether that he himself applied for relief, or that he was found in that state by the guardians or wardens of the district, he proposed that that person, supposing him to be totally destitute, should be treated as a person in the same situation belonging to the district, and who was known to every resident in it; that person was to have no abstract right to relief, as no abstract right was admitted by the proposed Bill. The Bill proposed that a destitute person should have "a claim" to relief on the ground of destitution. He proposed, by his plan, to give no more. He proposed that the person should have "a claim," but not "the right" to relief, on the score of his destitution, and for the sake of humanity. He proposed that such a person should be received into the workhouse, if workhouses were finally adopted; that upon his coming into the workhouse, or at any moment after his reception that the guardians might think fit, he could be removed, as circumstances required it, to another workhouse. The question then would be, to what district does the party belong? That brought him to the question of settlement, as he proposed to have it adopted, if his motion were to be followed by the amendments that he intended to move. Objections had been stated in that House as to the different modes of acquiring settlement, and the manner of ascertaining them. He conceived that there was one mode which had been alluded to by Mr. Nicholls; but he (Mr. Lucas) admitted that, upon the whole, it met with the disapprobation of Mr. Nicholls, but which he thought furnished the most unexceptionable, and, indeed, in his opinion, the only practical mode of founding a law of settlement upon. The House was aware that two or three times there had been a census taken of the population of Ireland. The last census had been taken in the year 1831. It had been proposed that a census should be taken every ten years—six years then had elapsed since the last census. There was, they were aware, no regular and effectual registry of births in Ireland. He thought that the just basis for a law of settlement would be on a census taken at the earliest possible period. If the census were taken now, it would be only hurrying the usual period for taking it by four years. This could be done with a view of forming a basis for a law of settlement upon that census. In a census the minutest details were entered into. A census was taken—it was like 'the map of an estate—every person who was registered on it could be easily come at. It afforded information which was not likely to be partial. He wished it to be observed, that he only used it as a basis. He did not propose it as to the future carrying on of a law of settlement. From that record it was to be first formed—afterwards the right to be given by birth, by industry, and by residence. He should, however, now return to the case of the casual pauper, who had no claim upon the district. He should then suppose that that pauper was taken into the workhouse, and was received there with all the care and attention as if he were a poor man belonging to the same district. The first question to be asked him was, to what district did he belong? He proposed to make it the interest of the pauper to give upon that point information as clear as he possibly could—he should make it to be the interest of the pauper, having that information in his possession, to give it without evasion. He should be anxious to accomplish this, for the purpose of preventing litigation between different districts. But then, [it might be said, that when the pauper found himself in a comfortable situation, that he would wish to remain there—that he would prefer being in the workhouse and idling there, to looking out for work in another place—and that being in the workhouse, there would be no power to remove him. His answer was, that if the system proposed was good for anything, it would be to discourage all persons from idleness, and to give them the strongest motives to avoid sloth, and to practise industry. He might then be asked, what interest was it that he proposed to give to the pauper to have a settlement, and to declare it? The means that he would take were these, and he thought that they would be efficient. In the first place, if the pauper declared that he did not know his residence, or denied his residence, he should propose to place in the hands of the Commissioners in that case, and in that case only, a power to remove him to such district as the Commissioners might think fit. As a check upon the Commissioners in the exercise of such a power, he should propose that one-half of the expense should be paid out of the general national fund—supposing, as he had every right to do, that the Commissioners would be men of impartiality, capacity, and integrity, they could have no motive, no desire, to enforce such a power, except in extreme cases—in one in which they had reason to believe fraud was contemplated; and they would have, on the other hand, the natural motive which influenced all official persons of keeping down the expenses of a system confided to their care. But he should also give an interest to the district in which the pauper was found, not to remain in sloth and idleness as to his residence, he should give them an interest in ascertaining it. He should propose to place the burthen upon the district in which the casual pauper was found—that it should pay one-half of the expenses until he was removed by the Commissioners. He admitted that, abstractedly, this was not a just proposition; but if it were unjust in the abstract, in practice it would be found to work no injustice, because it would apply equally to every district in Ireland. As a check upon fraud and idleness, a power ought to be given to the guardians of removing the pauper to his own district. As a check upon the exercise of this power, he should propose that the entire expenses of the removal should be thrown upon the guardians who removed him—that it should fall upon their own workhouse. It would be the same to the guardians to maintain the pauper in another workhouse as in their own, and they would not, for the mere satisfaction of seeing him, disturb him. This power, he was sure, would never be exercised, except where there was a suspicion of fraud. He wished the House to recollect that, in the present Session, an Act had passed which gave much greater power than he proposed for the removal of Irish and Scotch paupers from England. His plan was based upon the principle that the free migration of the poor man was not to be interfered with—that relief, as far as it was to be given by the Bill before the House, was to be afforded to the poor man in a state of destitution, in whatever district he might be found, and with the same tenderness and humanity as if he were known to every person in that district. The basis of his plan was, that the poor man had a strong claim to relief—without having an absolute right—its basis, also, was to ascertain the settlement by the simplest and most efficacious means; to ascertain that settlement with the least hardship to the poor man, and certainly without interfering with his free migration. His plan was based upon the fairest principles that he could devise. He considered that it was the interest of every party to forward the working of the law. He thought it to be his duty to explain the nature of his proposition to the House; because, having given notice of a general proposition, it might have been said that all this was vague—that nothing was to follow from it—that it was merely visionary; and without explaining what he had to propose, it would appear, that his motion was merely for the purpose of creating a discussion that would be useless. His object was, that the general question of settlement should be recognised by all without reference to any particular plan—that it should undergo discussion in the House—that the general question of settlement should be decided without reference to any plan of his, of the hon. Member's for Dundalk, or to any that might hereafter be proposed. What he wished was, that the House should express its opinion upon the subject. If the House should be of opinion that what he proposed was correct, then his plan might be discussed on a future occasion. He considered that the people of Ireland were entitled to the greatest attention from the House upon this subject, for they had acted with regard to it with the most laudable discretion. The hon. Member concluded by moving the instruction.

Mr. *Lynch* opposed the motion. He could not understand the justice of removing paupers from one part of the country to the other, as the hon. Gentleman proposed. What would that hon. Gentleman think if a cargo of paupers were taken from one part of Ireland and placed upon his own estates in Monaghan? In his opinion a census never could be adopted as the foundation for a law of settlement. There was, however, a preliminary question to be determined before the law of settlement was determined upon, for the House ought to remember that a law of settlement depended upon an abstract right to relief. If there were no right, there could be no law of settlement. If, then, they had first determined upon the abstract right, they must give relief out of doors. He asked those who were acquainted with the country, if it would not be madness to introduce into Ireland a system that would lead to out-door relief? But if they would not give out-door relief, what, then, must become of the abstract right? Some of his friends frankly told him that they were favourable to the plan of out-door relief; but to such persons he said, consider what is the situation of England now, and what it was before the new Poor-law came into operation. The benefit of the change was experienced by all classes. No abstract right was given by the statute of Elizabeth; and they never could commence a Poor-law by giving an abstract right to relief. Let them first admit a law of settlement, and then they admitted all the evils, and all the litigation which had cursed this country. Blackstone had exposed the evils of that law, and Mr. Chadwick had shown its effects to be, that if a man could not get employment in his own district, he was unable to go out of it. But the hon. Member for Monaghan had asked them, was it fair to burthen one district at the expense of another? To what extent, he (Mr. Lynch) asked, could they be burthened? Was it likely that a destitute person would go from one workhouse and travel to another? What inducement could there be for the pauper to desert his own workhouse—leave his friends, and depart from a place near his home, to seek another workhouse? If there were an inducement to go, it must be something in the particular workhouse. They could not but say that there must be some inducement in that particular workhouse. The fact would be sufficient to cause inquiry into the details of the management of that workhouse. It was to be remembered that the poor now are relieved to the same extent that they would be by the proposed Bill. But then it was said, why allow them to go from one district to another? Surely, the hon. Member for Monaghan must know that at present the paupers left their own poor districts for those that they considered to be rich. Under the workhouse system they would be supported with care and economy, and for the benefit of society, instead of being, as they are now, allowed to indulge themselves in extravagance and idleness. The burthen of their support would not be greater on the districts than it is at present; but vagabonds would be made industrious subjects. A law of settlement would not protect property—the way to protect it would be by giving power to the guardians under the control of the Commissioners. Upon these grounds he was opposed to a law of settlement; being firmly convinced that nothing could be more injurious than the introduction of such a principle.

Colonel *Wood* said, that if the proposed plan of settlement would entail such a system of litigation as that which prevailed in England, he would not support it; but he thought they might adopt a plan of settlement which would be free from those liabilities with which the law of England was entangled. He would make the law of settlement in Ireland assimilate to that of Scotland, namely, a residence of three years; and if a man fell into destitution, he must make his way back to the parish in which he had resided three years. He would give no man a title to relief out of the parish in which he had been resident three years. He would expunge from the Bill those clauses that made mendicity a crime, and would certainly not mix vagrancy and parochial relief under the same Bill.

Mr. *Charles Buller* was sorry, that the hon. Member for Monaghan had encumbered his motion with a specification of settlement which he did not, in the first place, understand; and which, in the second place, he could not vote for. It appeared to him, that this was a question of such importance, that it merited greater discussion than they had been able to give it on the second reading. The whole question of the good of relief turned upon the question of settlement. It appeared to him, that without an adequate law of settlement, the provision which they might make for the legal relief of the poor, would lose the greater part of the benefits which it would otherwise confer upon Ireland. The great advantage which would arise from a Poor-law Bill, was not the immediate relief it would give, so much as the gradual change it would produce in putting an end to destitution. Gradual and permanent improvement, less than immediate relief, was the object to which he looked. One great mode in which the Poor-law would operate beneficially, would be the effect it would have on the taking and letting of land. The great mass of the working population in Ireland, at present, were dependent on the taking of land. He did not think he exaggerated, when he said that the greater portion of the landed property was let amongst small tenants. The land was let at rents which it was impossible to pay so as to do justice to the land. The consequence was, that the land was worked out in the course of a few years; the tenant himself was reduced to ruin, and in the end became a pauper; and the land was, in all probability, notwithstanding the lessons of experience, let at a still higher rent. Such a system was most prejudicial to all classes. When the tenant could not pay the enormous rent which he undertook to pay, the landlord was obliged to eject him; and such was the sympathy created on behalf of the ejected tenant, that the landlord could not get a new tenant. There was, in fact, a system of combination to prevent ejectments; and the turbulence and disorder to which this gave rise, prevented a capitalist from embarking his capital in lands. The object of a Poor-law—and, in his opinion, a very sensible object—was to raise the condition of the people of Ireland generally; namely, instead of small tenants farming a very small portion of land, to create large farmers having the command of a considerable capital to cultivate their farms, whilst the rest of the people should be labourers working for wages. It was impossible to do this without an effective system of Poor-laws. By this plan they would prevent the existing competition for land, they would enable the landlords to eject those tenants who could not or would not pay; the tenant would not be tempted to bid too high; and the landlord would not find it his interest to let his lands at an extravagant rent, as he would have, in a great measure, to support the ejected tenants as paupers. They would hear no more about the murder of persons who took the farms of ejected tenants, as the tenant who might be ejected in Ireland would have the same facilities as in England, of obtaining support in the workhouse. In such a plan, it was absolutely necessary that the charge and the relief should be local. If the landlord, by harsh measures, drove his tenants to destitution, upon whom ought the burthen of supporting the tenants to fall? Why, upon the landlord. He could not conceive by what means they could localise the burthen and the charge, without a law of settlement. The objections which had been made to the law of settlement applied merely to some peculiarities of the English law of settlement. The English law of settlement was exceedingly defective. The litigation that had arisen under the English Bill, was owing to the great variety of settlements, which amounted to not less than ten. Now, he would propose, that the right of settlement should be restricted to birth, marriage, or a three years' residence. Such a restriction would render the law exceedingly simple, and would prevent, in a great measure, if not entirely, the litigation that arose under the English Bill. He did not wish the House to pledge itself to any peculiar plan, but it was a very important question, whether they could have an effectual Poor-law without some law of settlement. He was quite satisfied that the Bill, as it was, would be attended with great advantage; but, without a law of settlement, it would not confer permanent advantage on Ireland. If they had not a law of settlement, how was it possible for the guardians of the poor to know whom they ought to relieve? On this subject, he would refer to the preamble of the 14th and 15th of Charles 2nd, to show what a dreadful state this country was in before the law of settlement was passed. The hon. and learned Member having read the preamble, added, that his reason for wishing the charge and relief to be local was, that the relief might be more effectual. Above all, he thought that they could not do justice to Ireland, or to the remedies proposed to be applied there, unless they gave a vent to pauperism by adopting a large and effectual system of emigration. He, upon the whole, approved of this Bill as a wise and benevolent experiment, and he hoped it would succeed; but in order to give it a fair chance, he would strongly recommend that they should adopt as satisfactory a law of settlement as it was possible to devise.

Lord *Clements* thought, that the question of settlement would be attended with insuperable difficulties. All they could do now was to relieve the poor, as this Bill, in his opinion, would not, and could not, put a stop to the undue competition for land.

Mr. *Denis O'Conor* was of opinion, that without some law of settlement, it would be impossible to carry the measure into effect. If a provision for this purpose were not made here, it would be made in the districts in Ireland in a manner to lead to dissatisfaction and disturbance. If there were a local rate, there ought also to be a local settlement for relief. He thought settlement should be limited to unions, and not to parishes.

Viscount *Howick* said, the hon. and learned Member for Liskeard had taken a much too narrow view of the objects and principle of a Poor-law. According to the principles laid down by him, it would be necessary not only to have a law of settlement, but a settlement limiting so many small subdivisions, that almost every estate would be a district in itself. He disputed the truth of the position, that a Poor-law ought to operate so directly upon the relation between landlord and tenant, nor did he agree that a Poor-law should operate over the whole population of the country. If they were to set out by acting upon such a principle as this, they would, instead of diminishing, greatly increase the distress of Ireland, and at the same time, weaken the mainspring of industry. Amongst the advocates for a law of settlement who had spoken to-night, two at least had advocated the principle without attaching to it the principle of right to relief. Now, he could not understand how a law of settlement, unaccompanied by a right to relief somewhere, could be brought to work. He thought it would be very hard, as well as very impolitic, to confine a man to one district, and absolutely deny him the possibility of relief elsewhere, and yet not positively promise him relief in the settlement to which he belonged, and to which he was so restricted. The hon. Member for Monaghan, in introducing this proposition, said he did not wish it to interfere with the right of migration, or to induce removal as a necessary consequence. He really was at a loss to conceive how any law of settlement, with such limitations, could be devised. The same hon. Member proposed, that a census should be taken, and that settlement should be fixed by residence. Now, upon this point, he begged to read the opinion of the English Commissioners in 1834:—

> "It will be seen, that we do not recommend the introduction of settlement by residence. We are aware of the advantages of that mode of settlement; it is the most natural and the most obvious, and its adoption would often prevent inconvenience to particular parishes, from the return, in age or infirmity, of those who have left them in youth and vigour, and inconvenience to the paupers themselves, from being removed from friends and residences to which they have become attached, to places in

which they have become strangers. But these advantages, great as they are, appear to us to be over-balanced by objections still more powerful. It appears from the evidence, that the existing modes by which a settlement can be changed, are productive of perjury and fraud; and that they tend to injure the employers of labour by restricting them in the choice of their servants, the owners of property, by distributing the labouring families according to rules not depending on the demand for their services, or the fund for their support, and, above all, the labourers themselves, by depriving them of the power of selling all that they have, their labour, to the best advantage. We fear, that settlement by residence would aggravate all these evils. At present, a labourer may be steadily employed for years in a place in which he is not settled, by means of successive hirings, each hiring being for less than a year. But if settlement by residence were adopted, this would be impossible. We should have the constant occurrence of one of the worst consequences of the existing law, the separation of master and man, notwithstanding their mutual utility, and their mutual attachment, to the injury of both, but to the greater injury of the most numerous and the most helpless class—the labourers. Again, the demolition of cottages, and the forcing the agricultural population into the towns and the parishes in which property is much divided, though we fear that they must, to a certain degree, arise under any law of settlement whatever, would be much promoted by a law which would fix on a parish every labourer who should have been allowed to reside there for any given period, unless the period were so long as to render the law almost inoperative. Another objection to settlement by residence, which has been dwelt on by many of our most intelligent witnesses, arises from its effect on the unsettled labourers. At present, they are confessedly superior, both in morals and in industry, to those who are settled in the parishes in which they reside."

Now, if these remarks were true as regarded England, still more applicable were they to the case of Ireland. A law of settlement by residence would add to all the existing difficulties of applying a Poor-law to Ireland, and defeat the object of the measure itself. It would retard the improvement of land, by obliging the landlord to employ the labourer in his own immediate neighbourhood, or run the risk of seeking more expert and useful labourers in other districts at the risk of saddling an additional burthen upon his own district. Such a law of settlement would likewise promote parish marriages for the purpose of getting off an unmarried woman with bastard children to another parish. But, besides his opposition in principle to the proposition for a settlement in Ireland, there was this important difficulty which they had to contend with; namely, that no two people of those who wished for a law of settlement, were agreed upon the principles upon which to frame it. The great inconvenience apprehended from a Poor-law without a law of settlement, appeared to be an unequal apportionment of the burthen of the poor-rates. Now, it appeared to him, that no pauper would be tempted to go to any other district than his own for relief, when his so doing would necessarily separate him from all his old friends and acquaintances. He thought they might trust to the guardians for giving relief when it was wanted; and even if they were to legislate in such a way as to give the poor a right to relief, the guardians might still be left to judge of the extent to which it should be granted. The law of settlement he did not think good in any country; but in England it had been established so long, that it was found impossible to get rid of it entirely and at once. By the new Poor-law Bill, considerable alterations had been made, for it had been enacted, that children under sixteen years of age, should follow the settlement of the parents. That, to a certain extent, did away with the settlement by birth. And he would say further, that by the practice it had been almost superseded. In several unions, both in Gloucestershire and Nottinghamshire, the workhouses had been thrown open as asylums to the destitute, many of whom, in these places, were supported by voluntary subscription. He must therefore say, if the members of the Board of Guardians could open the workhouses to all the destitute, the law of settlement was not necessary. He would only add, that they might safely trust the guardians to grant the necessary relief; and if they adopted anything like a law of settlement, they would only aggravate the danger of introducing a Poor-law into Ireland.

Mr. *Villiers* observed, that the noble Lord had treated the subject with great ability, and shown more knowledge than had yet been displayed upon the subject of settlement; and as he had exhibited how it had proved a fertile source of mischief and injustice in this country, he would just remark, that it had done so precisely in the manner by which some Members thought the Poor-law in Ireland would work well, namely, by giving the landlords an interest in improving the condition of the poor. The way in which it was so to operate was, by giving them an interest in escaping from the liability of supporting them. Modes of settlement were the means of determining the particular liability of property to support the poor; and the result was, that it depended upon accident or contrivance whether property entirely escaped from this liability, or whether it was quite exhausted by the extent to which it was so burthened. This, therefore, led to every species of device on the part of different parishes and proprietors, to shift the burthen from themselves upon their neighbours. From the various modes of acquiring a changing settlement, this had led to the overseers paying single women to produce their children out of their own parish, of paying men to marry women to change their settlement, and of proprietors clearing their estates of all cottages for the poor, in order to drive them into a parish which would be compelled to maintain them when they could not procure employment. And he had little doubt that a law of settlement in Ireland would be followed by an attempt on the part of landowners to drive the labourers into this country to escape from the charge of maintaining them there. There was nothing just or equal in the principle of settlement. It fixed a charge upon property without any reference to its ability to bear it, and left without any charge or burthen much property well able to sustain it. There was no necessary relation between the number of poor and the particular property out of which they were to be maintained. He thought the poor a national charge, and should be therefore born equally by a general rate. He considered that the measure before the House was favourable to this plan, because it proposed to administer public relief upon a uniform system. There was no reason, therefore, why the poor should prefer one district to another for the purpose of obtaining relief. There was no hardship, then, in this case if the places for obtaining the relief were situated at convenient distances. It was impossible to exercise discretion with the view to the particular character of the persons relieved—the great object was to prevent destitution. He thought there was an objection to the measure, which had been stated by the hon. Member for Roscommon, which had not been answered, that there was to be a local rate levied, but not applied to local purposes. That was one of his objections to the law of settlement altogether, that it would operate very partially in fixing a much heavier burthen upon some property than upon others, as in some districts there would be much more pauperism than in others. But this was, of course, as acted upon by the present measure, far less objectionable than what was proposed in the amendment.

Mr. *Poulett Scrope* did not think a Poor-law could work well in Ireland without some law of settlement. A modified system of settlement could not do much harm, and that, to a certain extent, appeared to be the opinion of the Poor-law Commissioners. But, at the same time, he was ready to admit, it was a subject surrounded with great difficulties, and the question was, which side to choose. For his part, he did not think such a law of settlement as that which existed in England would be advisable, or even one like that proposed by the hon. Member for Monaghan. But unless some system of the sort was adopted the great number of paupers who would flock to particular localities would greatly aggravate the difficulties which the guardians had to contend with. Even at present, great inconvenience arose from the system of alms-giving, and it was not unusual to hear of persons going to a particular district and accusing themselves of murder, in order to obtain alms from the inhabitants by exciting their sympathy. They ought, therefore, to guard against that, and how could the evil be prevented without power was given to pass mendicants to their places of settlement? If relief was refused in cases of distress, that would only increase the number of mendicants, and how inconvenient would it be to leave the amount of relief to the guardians, and compel them to make an act or by-law which ought to be made by the Legislature? He believed there was no country in the world where there was a Poor-law without a settlement. He was, therefore, of opinion, that it would be advisable to adopt a modified system of settlement at first, till they saw how the Bill would work.

Mr. *Harvey* observed, that this was one of the few cases in which Ireland happened to be in a better situation than England; they might, therefore proceed now to legislate for Ireland, unencumbered by any previous system or any ancient prejudices; they would now, he rejoiced to say, proceed to legislate for Ireland on broad principles. The existence of evil, as regarded a provision for the poor, was admitted—no one denied the truth of the statement made upon that subject—no man attempted to deny that there were 2,000,000 of human beings in a state of destitution, and sometimes in a state of starvation. Now, what was the plan by which the Government proposed to provide for these 2,000,000 of paupers? Why, cooping up 800 of them in each of 100 barracks: they proposed to relieve 2,000,000 by actually confining in workhouses 80,000, giving three houses per county. Did they propose to meet the claims of the remaining 1,920,000? Quite the contrary; they admitted the impossibility of meeting those claims; they must also admit this, that it would be impossible to conceive any difficulties in the way of a law of settlement which were not traceable to circumstances connected with the artificial condition of the parties by whom the required provision was to be made. On behalf of those parties it had been alleged, that the right to a provision would have the effect of confiscating a large proportion of the property of the country. In the statements upon this subject, he believed there had been much exaggeration, but assuming the fact to be so, did they not see in the fears of the owners of that property the great source of the resistance to the proposed measure of settlement? They resisted the right to settlement on account of its inevitable consequence, the general right to relief; they felt that they must recognise that right if they once assented to the law of settlement, and yet, how vain it would be for them to hope that they could eventually escape from that recognition. In making a provision for the poor of Ireland, they must sooner or later come to first principles, and that, too, before they could proceed to do what justice or expediency required. The example which they had of the Poor-law Act in England ought to form some guide for them in legislating for Ireland. To that Act he had given a tardy and reluctant assent; for he thought at the time when it was under the consideration of Parliament, that such a measure could not coexist with the Corn-law already in force in this country. Strongly under the influence of that conviction, he had ever since attended to the operation of those acts, and he now found himself fully fortified in his original opinion. Amongst the various objections which had been urged to this law of settlement, there was one, that its tendency would be to induce owners of estates to get rid of all tenants who were likely to become paupers. He was of a different opinion; but in order to guard against the possibility of such a result, he should recommend that all property be made liable for the maintenance of the poor. He was most fully persuaded that for that great principle they must combat, for the fear which that principle engendered lay at the bottom of all the opposition made to the law of settlement; they must contend for the right of every man to a maintenance out of the soil which his industry had contributed to cultivate and render fruitful. The hon. and learned Member for Kilkenny had, a few evenings ago, given the House some statements as to the quantities of cultivated and uncultivated land in particular counties, and there was a variety of evidence before the House and the country to shew that a very large proportion of the soil of Ireland was, though perfectly capable of cultivation, not yet turned to any useful account. While matters remained in that state, he wished to know with what show of reason or justice could schemes of emigration be so strenuously urged. Before he sat down, he desired to impress upon the House his deep sense of the greatness and importance of the subject, and to add, that he considered it to be yet in its infancy, and that it could not be too much discussed.

Mr. *Shaw* might be satisfied as to the expediency of a law of settlement in Ireland, if it could be proved to him that by injuring the rich the poor would be benefitted. The whole question was very important. It was beset with difficulties; and all that could be done was to endeavour to arrive at the best conclusion. In his opinion, the balance of difficulties was decidedly against the law of settlement. He admitted, however, that some of the existing evils would be obviated when the unions were generally established. Independently of other considerations, he thought that the proposed measure either did not go far enough, or that it went too far. He was convinced that if a right to relief were established in Ireland by a law of settlement, it would tend to a general confiscationof property.

Mr. *O'Connell* expressed the pleasure which he felt at the tone and temper in which the present discussion had been carried on. They had now been three nights engaged in it; and he defied any stranger to say to what political party any speaker belonged. The question of settlement was one of great importance. They had to decide, in the first place, on the legal right; in the second place, on the locality; in the third place, on the plan. For his own part, he was against any law of settlement; because he was persuaded that it was against the principle of legal right. There was a moral right and a Christian right; but those did not constitute a legal right. What was the object of the proposed measure? To tranquillise Ireland. But would it tend to tranquillise Ireland to give one man a right to ask what another man had a right to refuse? On these points he perfectly agreed with the hon. and learned Member for the Univertity of Dublin. He confessed, that he shuddered at the experiment of this Bill. The execution of which he foresaw would be pregnant with serious difficulties.

Lord *Stanley* said, that it was with rare satisfaction he had seen the hon. Member who had just sat down and the right hon. Member for the Universities of Dublin acting in perfect accordance upon a subject which was undeniably of such great importance, to Ireland: With the greatest deference, however, for the opinions of both these hon. and learned Gentlemen, he confessed that he could not bring his mind to the same conclusion to which they had arrived—to the conclusion, that, either satisfactorily or safely, any measure of this description could be introduced into Ireland, without the principle of settlement, coupled with the right to relief. The hon. and learned Member for Kilkenny complained of this motion upon two grounds. He objected to the principle of a settlement, first because it involved the right to relief; and next, because there had been laid before the House no definitive mode of settlement. He could not separate, in his mind, the two ideas—a law of settlement, and the right to relief. This Bill subjected the relief to the fluctuating decisions of a board of guardians, uninfluenced, upon this subject, by legislative control. The hon. and learned Member for Kilkenny had said that he was against the right to relief. He admitted the moral right, he admitted the Christian right; but he was against the right, considered in a legal point of view. This was as much as to say that he admitted the charity, but was against enforcing it by law. And then he had sneered at the idea of tranquillising Ireland by extending on the one hand, the right to relief, and conceding on the other to the board of guardians the right to shut the door. Why this was precisely what the Bill did; it was of this that he complained. And it was to furnish a remedy for this evil that the proviso was proposed to be inserted in the Bill. "I will admit," said the noble Lord, "that it is a dangerous, if you will, a desperate experiment; but it is, undoubtedly, the duty of a Government to make up their minds to the full extent of the principle upon which they are prepared to act, and to be ready to carry it into effect." Ostensibly the Bill gave relief universally throughout Ireland to the destitute; but it gave no right to the destitute to ask for such relief, and none to obtain relief, even upon the fullest proof of that destitution. He was willing to go the full length in defining the limit of destitution, of bringing it down as closely as any hon. Member could desire to starvation; because he felt confident that the laying down of a strict boundary like this would be the best safeguard against the fraudulent and pernicious expenditure of the public money, as well as the most efficient protection of those who by their own industry may have raised themselves to the point immediately above starvation. But if they were to have any thing deserving the name of a Poor-law for Ireland it should be such a one, in his conviction, as would recognize by law the principle that no man should starve. He was in favour of a settlement by residence, he would not say whether by unions or not, but limited to such boundaries as would give the power to individuals, by their combined endeavours, to promote the prosperity of their respective neighbourhoods, and limit the pauperism of individuals. Let the House look to the effect which the proposed Poor-law (without a clause of settlement) might produce in the way of clearing estates in Ireland. There was, undoubtedly, a great temptation to landlords to clear their properties of insolvent tenants, if this could be effected without the infliction of intense sufferings upon the dispossessed, not only because the estate was thus improved, but because such a measure would tend to better the condition of those who remained behind. Six years since, he (Lord Stanley) had expended a very considerable sum of money upon a small property which he held in Ireland. For this expenditure he took no credit to himself; but he had incurred this expenditure for the purpose of promoting the emigration of a portion of his tenantry from this estate. For this outlay he had been amply repaid, since that period, in the shape of regular rents. He had not raised by the amount of one farthing the rent of a single portion of the estate; but whereas the tenants had starved each other before upon this land, the same individuals were now paying their rent as punctually as any persons in Ireland or England, and they were altogether in a state of comparative comfort. Here, therefore, existed a temptation to the exercise of a well-grounded economy, in clearing estates in Ireland. This might be done in a benevolent, but it might also be done in a harsh and oppressive, manner. What were the restrictions which now existed in the way of effecting this object? Landlords were now restrained, first by humanity (this he trusted was the case in a great many instances), and next by the fear of exciting prædial disturbance. What would be the impediments under the law of settlement? The landlord would then be bound to provide for those whom he ejected. He was not now bound to do so; but humanity withheld or the fear of consequences deterred him from turning his tenantry houseless upon the world, without making for them some species of provision. Pass this Bill without a law of settlement and the moment the property of the landlord was taxed to the full amount, that moment a premium was given him to clear his estate. The feelings of humanity and the fear of dangerous consequences would alike be at an end, because the neighbouring union must maintain the houseless mendicant, for whom there would exist in this hypothesis no special provision in the landlord's own union; and the calculating landlord would thus be enabled to clear his estate at the expense of his neighbours, whose property was not already overburthened by tenants. He (Lord Stanley) looked upon this as a very dangerous result, and as likely to prove a great impediment to the growth of that kindly feeling which it was so desirable to see cultivated between the higher and lower classes of the community. There were undoubtedly difficulties in the way of establishing a useful law of settlement; but for his part he could see nothing that was either very grievous or absolutely insurmountable in the existing law of settlement in England. In Scotland there was a parochial settlement. There was no Scotch Member not even the Attorney-General who would stand up and deny this. The Scottish pauper was entitled to receive relief only in his last industrial residence, and yet he did not believe that this restriction had turned out to be any great preventive of emigration among Scotchmen. If they passed this Bill without the clause of settlement, they would be involved in a practical absurdity the very first year in which it should be carried into effect. They would take away the motive for cordial co-operation on the part of the resident gentry, without which no central board could act for an hour, and they would extinguish that reciprocal feeling upon the part of the boards of guardians which it was so desirable that they should keep alive—the feeling that their exertions tended to their own benefit as well as to the benefit of every rate payer in the community—that social advantages would spring up around them in proportion to their exertions and they would, above all, contribute as much to the weakening, as a settlement would to the maintenance, of a kindly feeling thoughout every parish in Ireland. It was his strong conviction that, unless they consented to the modification of this Bill, they would be the means of introducing delusion into Ireland, and before long would be forced to acknowledge that they had committed a fatal error.

Lord *John Russell* said, that he had listened with very great attention during the progress of this debate, and that he had not been disposed to take a part in it, but that after what had fallen from the noble Lord who had just sat down, he must venture to make a few remarks. The noble Lord had said that they ought to establish the absolute right to relief, or ought not to enact a Poor-law at all for Ireland. Now, he was decidedly of opinion that the Poor-law of Elizabeth, which he believed was a very excellent law, had never been framed with the intention of giving any right to relief, and, in point of fact, did not give such right. The authors of the law of Charles 2nd were mistaken in enacting their law of settlement, from which had flowed most of the evils which were observable in the English system. That Act of settlement involved the right to relief. The labourer was told that he must not leave a certain parish, which was tantamount to an admission of his right to relief in that parish. Entertaining this opinion of the evils which had arisen from the introduction of the principle of settlement into the English Poor-Law, he should be sorry to introduce that principle into Ireland. It was a principle which would be rendered more pernicious in Ireland than in any other country. If the power of removal were thus practically suspended, the farmers would be slow in employing the most skilful labourers, coming from a distant quarter, even when there was a dearth of labourers in their own district, because they would thus be entitling them probably to support, at no distant period, in consequence of residence. Now, there were districts in Ireland where a vast number of persons were without the means of employment; and there were others, where labour might be most usefully and profitably engaged. This would be made more prominent by the introduction of capital into particular districts. Could they be, therefore justified in fixing and perpetuating a motive for the discouragement of this most valuable interchange of labour? With respect to the noble Lord's argument, founded on the probable consequences as to clearing estates, it was quite obvious that the settlement which the noble Lord contemplated must be the narrowest possible—restrictive, in fact, to such a degree that, in order to give any force to his argument, it must be confined, in each instance, to the limits of a single estate. Suppose unions of twenty miles to be established, one estate within this limit might be well managed, and the management of two or three others might be of an opposite description. The mismanaging landlord would therefore have the assistance of the good landlords within the limits of the same union in paying the rates. So far from being disposed to think favourably of the project of a restrictive settlement, he would say that if the number of paupers in Ireland amounted to anything like 2,300,000, as had been stated, there must be so many cases of extreme destitution that it would, in his estimation, be infinitely better to afford relief in the workhouse to which application would first be made, than to remove the pauper to a different district. He begged the House to remember that this measure was an experimental one, and that it would be easy hereafter, to introduce a clause of settlement, should its introduction be found to be desirable.

Mr. *Wyse* agreed with the noble Lord that there should be every facility given to create in every district a direct local interest in supporting their own poor, and preventing the influx of paupers from remote districts.

Viscount *Sandon* said, they must come to a law of settlement some way or other. He would not leave it to Commissioners to act arbitrarily, by adopting one rule in one district, and an opposite one in another. He thought himself warranted in referring rather to the wisdom of Parliament than to any body of men.

Mr. *Chalmers* stated, that hon. Gentlemen opposite were mistaken in supposing that the law of settlement was carried into effect in the greater part of Scotland. It was only in operation in a few parishes, and in all of these it was found to be most oppressive in its operation. He hoped that the noble Lord and the House would not rashly adopt the principle of settlement.

The House divided on Mr. Lucas's motion:—Ayes 68; Noes 120: Majority 52.

List of the AYES.

Agnew, Sir A.
Archdall, M.
Balfour, T.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Borthwick, P.
Brotherton, J.
Bruen, F.
Buller, C.
Callaghan, D.
Chandos, Marquis of
Cole, Viscount
Compton, H. C.
Cooper, E. J.
Coote, Sir C.
Corbett, T. G.
Corry, rt. hon. H.
Crawford, W. S.
Damer, G. L. D.
Dillwyn, L. W.
Dunbar, G.
Egerton, Sir P.
Evans, G.
Ferguson, Sir R. A.
Finch, G.
Forbes, W.
Fox, C.
Geary, Sir W.
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, Sir J.
Grattan, J.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. S.
Hardy, J.
Harvey, D. W.
Hindley, C.
Houstoun, G.
Jackson, Serjeant
Jones, T.
Irton, S.
Lefroy, A.
Longfield, R.
Lowther, J. H.
Mackenzie, T.
Nicholl, J.
O'Connor Don
Perceval, Colonel
Pusey, P.
Ross, C.
Sandon, Viscount
Scrope G. P.
Sinclair, Sir G.
Somerset, Lord G.

Stanley, Lord
Stewart, John
Talfourd, Sergeant
Trelawny, Sir W.
Trevor, hon. A.
Vesey, hon. T.
Vigors, N. A.
Wason, R.
Williams, W.
Wood, Colonel
Wyse, T.
Young, G. F.

TELLERS.

Lucas, E.
Hayes, Sir E.

List of the NOES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Anson, hon. Colonel
Attwood, T.
Bagshaw, J.
Baines, E.
Bannerman, A.
Baring, F. T.
Barry, G. S.
Bernal, R.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Browne, R. D.
Burton, H.
Byng, rt. hon. G. S.
Campbell, Sir J.
Cavendish, hon. C.
Chalmers, P.
Chapman, L.
Chetwynd, Captain
Clay, W.
Clements, Viscount
Collins, W.
Dalmeny, Lord
Divett, E.
Donkin, Sir R.
Dundas, J. D.
Ellice, E.
Fergusson, rt. hon. R. C.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fort, J.
French, F.
Gordon, R.
Grey, Sir G.
Harcourt, G. G
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Heneage, E.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Howick, Viscount
Jephson, C. D. O.
King, E. B.
Kirk, P.
Lambton, H.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Lynch, A. H.
Macleod, R.
Marshall Wm.
Marsland, Henry
Martin, T.
Maule, hon. F.
Morpeth, Viscount
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oliphant, L.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Ponsonby, hon. W.
Ponsonby, hon. J.
Power, J.
Poyntz, W. S.
Price, Sir R.
Pryme, G.
Pryse, P.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord
Ruthven, E.
Scott, J. W.
Seymour, Lord
Shaw, rt. hon. F.
Smith, R. V.
Spiers, A.
Stanley, E. J.
Stuart, V.
Strangways, hon. J.
Strutt, E.
Tancred, H. W.
Thomson, rt. hon C. P.
Thompson, Colonel
Troubridge, Sir E. T.
Lemon, Sir C.
Vivian, J. H.
Ward, H. G.
West, J. B.
Westenra, hon. H. R.
White, S.
Wilbraham, G.
Villiers, C. P.
Wood, C.
Woulfe, Sergeant
Young, J.

TELLERS.

Hay, Sir A. L.
Steuart, R.

Committee postponed.

WAYS AND MEANS.] On the motion of the Chancellor of the Exchequer, the House resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* proposed, that a sum not exceeding 11,000,000*l.* be granted to his Majesty, for the repayment of Exchequer Bills, out of the supplies for the service of the year 1837.

Mr. *Goulburn* did not wish to get into a discussion on the financial subject at that late hour, and if his right hon. Friend felt any objection to his making a few observations, and asking a question, he would postpone doing so if an opportunity was afforded him within a few days to bring forward the subject at an early hour. In the first place, then, with respect to the present motion he wished to allude to the hour at which it was brought forward. This was the first time for a long series of years that this vote was postponed until such a late period. He did not mean to say that any inconvenience had occurred in consequence of the postponement of this motion, but still some explanation was called for in consequence of the peculiar nature of the case. When Exchequer Bills were voted it was always accompanied by an express understanding by Parliament to the holders of them that they should be paid out of the first supplies moved in Parliament. By this means they had a great security of having them paid off, out of the first supplies in the ensuing year, therefore a practice had always hitherto prevailed of voting them at the earliest period of the Session. The next subject to which he wished to call the attention of his right hon. Friend respected the amount of Exchequer Bills that had been paid off out of the Sinking Fund. A paper had been laid on the table and printed, respecting the payments out of the Sinking Fund. It appeared that between the 5th of January and the 22nd of April, the amount of Exchequer Bills paid off out of the Sinking Fund was 1,470,000*l.* On referring to the finance accounts laid before Parliament for the year, it appeared that the whole sum applicable to the redemption of the debt, between the 5th of January and the 5th of April was only 680,000*l.* Now, out of this sum it would appear as if there had been redeemed Exchequer Bills amounting to upwards of 1,400,000*l.* But the latest date of the redemption was the 22nd of April, and not the 5th of April as was usual; and it might be supposed that the sum of 700,000*l.* was paid off between these two dates. He did not think that the whole of this sum was applicable for this purpose between January and April. Indeed, the right hon. Gentleman could not have applied the whole of this amount to the redemption of the debt, unless by sacrificing the principle always acted upon in the administration of the Sinking Fund, for the whole sum must be equally divided into the several weeks of the quarter, and applied equally. This was done that the Government should not create any fluctuation in the market, or any supposition of creating a fluctuation. It would appear, however, that in the short space of seventeen days 700,000*l.* had been applied to this purpose more than ought to have been. As the account stood he did not understand it.

The *Chancellor of the Exchequer* stated, that if he had had an opportunity of rising at an earlier period of the night, he would have gone at greater length into an explanation of the state of the unfunded debt. If there was anything imperfect in what he was going to say, he trusted that his right hon. Friend would consent to his postponing his explanation till a future opportunity, when he would go at greater length into the subject. The first point that had been referred to by his right hon. Friend was, that it was more usual to take the vote for Exchequer Bills at an earlier period of the Session, but he did not do so, from two motives; the first was, that there had been an alteration of the commencement of the financial year, and he, therefore, considered that no inconvenience could result from the postponement of the vote. But there was another motive which was still more important. In the course of the last Session the right hon. Gentleman called the attention of the House, and his attention to the nature and state of the unfunded debt. He admitted the peculiar necessity of directing great attention to this subject, and he thanked his right hon. Friend at the time, for his suggestion; but his serious attention had been turned to this subject for some time before. He felt at the time that he had not increased the amount of the unfunded debt, but rather that he had diminished it, with the exception of an issue of Exchequer Bills, for public works, or rather an advance of money for the erection of workhouses. He had considered the question more especially as regarded the currency, and had felt that the amount of Exchequer Bills was much more in point of prudence than it was justifiable to recommend should be, on this ground, therefore, he commenced the application of the Sinking Fund at an early period to the unfunded debt. The right hon. Gentleman was aware that there was a large amount of Exchequer Bills held by the Commissioners of the Sinking Fund, which could be redeemed at par. This he thought should be acted on, and that they should be charged with stock. He would take the liberty of stating to the House, in a very few words, the amount of Exchequer Bills at present and the same date last year. Last year, the whole amount of the unfunded debt was 29,700,000*l.* The amount outstanding of various descriptions of Exchequer Bills was 28,976,600*l.* The sum of 130,000*l.* was due for the paying off Exchequer Bills of 1835, and in the course of the last six months there was an addition of about 600,000*l.* for public works in England, and for West-India relief. The total amount outstanding was 29,614,750*l.* The present vote which he proposed to take would make the amount for the ensuing year 24,623,300*l.* There had been reduced, therefore, of the unfunded debt, within the last fifteen months, a sum not less than 4,994,450*l.* This was a very great reduction; but the circumstances of the case, as he had no doubt he should be able to show on a future occasion, fully justified it. This had been effected by the following means, taking round numbers; 1,757,000*l.* of Exchequer Bills had been cancelled by the application of the Sinking Fund; 2,040,000*l.* of Exchequer Bills by an exchange to that amount with the Commissioners of the Sinking Fund for that amount of Three per cents. at the market price of stock; and this was done in conformity with the Act of 1828. 1,163,000*l.* had been paid for out of the money granted for ways and means, and

130,000*l.* to which he had before adverted—thus making a total of 4,994,450*l.* This, then, was the amount to which the unfunded debt was reduced since last year. He hoped, and indeed he felt satisfied, that his right hon. Friend agreed with him in thinking that the reduction of the unfunded debt was satisfactory under the present state of things. This amount of reduction had been effected in that portion of the financial engagements of the country most open to fluctuation, and he was sure that what had been done could not but be acceptable to the House, and to the holders of that description of the public securities. But he might be told that a deficiency might be apprehended. The course, however, which he should take would be, to follow the example of the right hon. Baronet, the Member for Tamworth, while he held the office of Chancellor of the Exchequer—namely, that on the amount of Exchequer Bills being laid on the table in March, 1835, he took a vote to make good any such deficiency as the actual amount applied for the redemption of Exchequer Bills between the 1st and the 22nd of April, which was another point to which he believed his right hon. Friend adverted. He would give a short explanation. The whole of the 1,400,000*l.* was not expended in the interval alluded to, but the amount expended for a long period, was carried to account during the interval alluded to. They could not take this amount from the Sinking Fund and expend it at once, because the application was strictly limited in the way in which he had described. The amount applied from the Sinking Fund was exactly the amount that could be applied from week to week. There might appear to be a larger amount, but the sums were expended week by week to avoid any fluctuation in the market, and no more was applied to the outstanding debt, than the state of the Sinking Fund would allow. No doubt his right hon. Friend would be led to form an adverse conclusion from the paper before him; but the operation of reducing the amount of Exchequer Bills had been effected nearly in the manner which he had stated. No more nor less had been applied from the Sinking Fund than would be allowed by the Act of Parliament. He admitted that he had given a very imperfect answer to his right hon. Friend, but he should be happy to give him a more detailed and satisfactory answer when there was a fuller House.

Mr. *Goulburn* said, it was evident that an error had occurred in making out the account. It was stated distinctly that 1,400,000*l.* had been paid out of the Sinking Fund, whereas it appeared, that in fact, only 800,000*l.* had been paid out and that 600,000*l.* remained to be paid in the course of the ensuing quarter.

The *Chancellor of the Exchequer* admitted that there must have been some error in the adding up of the account, and pledged himself to investigate the whole of the matter on the following day.

Mr. *Goulburn* felt quite satisfied with that assurance.

The resolution agreed to.

House resumed.

HOUSE OF COMMONS,

Wednesday, May 17, 1837.

MINUTES.] Petitions presented. By Mr. D. BROWNE, from several places in Sligo and Mayo, expressing confidence in his Majesty's Government.—By Sir J. GRAHAM, from various places in Cumberland and Westmoreland, for alterations in the New Poor-laws.—By Lord C. MANNERS and other hon. MEMBERS, from various places, against the plan for the abolition of Church-rates.—By Mr. WILKS and other hon. MEMBERS, from various places, in favour of the Ministerial plan for the abolition of Church-rates.—By Mr. HINDLEY. from Hythe, Ashton, and other places, in favour of the Sabbath Bill, and for the introduction of a ten hours' Factory Bill.—By Mr. S. BARRY, from various places in Ireland, for the total abolition of Tithes, and expressing confidence in his Majesty's present Government.—By Mr. GROTE, from the Chamber of Commerce, Madras, to be put on the same footing as Calcutta in regard to the Duty on Sugar.—By Mr. WAKLEY, from Worthing, in favour of the Dorchester labourers.—By Mr. DUNLOP, from places in Scotland, in favour of the Burghs of Barony Bill.—By the ATTORNEY-GENERAL, from Edinburgh, that the punishment of death should be abolished for every crime except murder.—By Lord SANDON, from Liverpool, in support of the Bill for the better Observance of the Sabbath.

GLASGOW AND AYR RAILWAY—TRAVELLING ON THE SABBATH.] On the Order of the Day being read, that the Report of the Glasgow and Ayr Railway Bill be taken into further consideration,

Dr. *Bowring* opposed the clause which the hon. Member for Wigtonshire had had inserted into the Bill, preventing the use of the railway on the Sabbath.

Mr. *Dunlop* said, that as an Act of Parliament prevented canal boats and stage coaches from being worked on the Sabbath, he hoped the House would extend the same principle to railways.

Mr. *Roebuck* said, the matter was merely an affair of pounds, shillings, and pence, and that the Sabbath had really nothing to do with the question. He hated hypocrisy, and, above all, religious hypocrisy. The Canal Act contained no such clause as that mentioned by the hon. Member for Glasgow (Mr. Dunlop), and it was the will and feeling of the people only which prevented travelling on the Sunday in Scotland. It was his intention to oppose the Sabbath Bill of the hon. Member for Wigtonshire on going into Committee, on the ground that Christianity had nothing to do with it. That House had nothing to do with the religion of the people. He did not wish to charge the hon. Baronet with inconsistency, but maintained that the hon. Gentlemen opposite were no better observers of the Sabbath than any other persons.

Sir *G. Clerk* said, the promoters of the Bill had no objection to the clause, and he congratulated hon. Gentlemen on his side of the House on their not having adopted the religion of the hon. and learned Member for Bath.

The *Attorney-General* opposed the clause. It was unnecessary, inasmuch as the present law of Scotland was sufficient to prevent any desecration of the Sabbath, and not only prohibited the carrying of goods on that day, but travelling also. It was injurious, inasmuch as it extended to the whole of the Sabbath, and might even have the effect of preventing persons who lived at a distance from their place of worship from going there, as such persons might choose to go by the railroad.

Mr. *C. Buller* said, that although he could not charge hon. Gentlemen opposite with much hypocrisy, yet he thought there was a pretty considerable deal of humbug among them. He begged to state, that if the Bill of the hon. Baronet opposite should ever get into Committee, he should move the insertion of a clause to shut up the Carlton Club on the Sabbath—as he had been very much shocked of late by observing, as he passed by on his way to church, several eminent Conservatives reading, not their Bibles or Prayer-books, but the *John Bull* or the *Age*.

Mr. *Borthwick* said, he would vote against the clause, as he did not consider it calculated to promote the object which the hon. Baronet had in view. He begged, however, to disclaim all participation in the language of the opposite side of the House

The House divided on the original motion:—Ayes 1; Noes 47: Majority 4.

List of the AYES.

Alsager, Capt.
Arbuthnott, hon. H.
Ashley, Viscount
Balfour, T.
Beckett, Sir J.
Bonham, R. Francis
Campbell, W. F.
Chapman, Aaron
Chisholm, A.
Clerk, Sir G.
Conolly, E. M.
Dillwyn, L. W.
Dunlop, J.
Estcourt, T. G.
Estcourt, T.
Fector, J. M.
Fielden, W.
Ferguson, Sir R.
Forester, hon. G.
Forster, Charles S.
Fox, Charles
Gladstone, Wm. E.
Gordon, hon. W.
Goulburn, Sergeant
Halse, James
Hamilton, Lord C.
Hanmer, Sir J.
Hardy, J.
Hawkes, T.
Hope, hon. James
Inglis, Sir R. H.
Johnstone, J. J. H.
Law, hon. Charles E.
Lennox, Lord Arthur
Mackenzie, T.
Mactaggart, J.
Nicholl, Dr.
Palmer, George
Pelham, John C.
Polhill, Captain F.
Richards, Richard
Ross, Charles
Sandon, Viscount
Sinclair, Sir George
Somerset, Lord G.
Stanley, W. O.
Tooke, W.
Welby, G. E.
Wilbraham, hon. B.
Wodehouse, E.
Young, J.

TELLERS.

Agnew, Sir A.
Bruce, C.

List of the NOES.

Angerstein, John
Baines, E.
Belfast, Earl of
Bentinck, Lord W.
Bewes, T.
Blake, M. J.
Blunt, Sir C.
Brocklehurst, J.
Brownrigg, S.
Buller, Charles
Buller, E.
Chalmers, P.
Clive, Edward Bolton
Denistoun, A.
Divett, E.
Donkin, Sir R.
Dundas, hon. T.
Ellice, E.
Elphinstone, H.
Evans, G.
Ferguson, G.
Fort, John
Grote, G.
Hawes, B.
Jervis, John
Lennox, Lord G.
Lowther, J. H.
Lynch, A. H.
Marsland, Henry
Molesworth, Sir. W.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, L.
Parrott, J.
Pease, J.
Roebuck, John A.
Thompson, C. P.
Thomson, Colonel
Tulk, C. A.
Wason, R.
White, Samuel
Wilbraham, G.
Williams, Sir J.
Woulfe, Sergeant
Wrottesley, Sir J. Bt.
Wynn, rt. hon. C. W.

TELLERS

Borthwick, Peter
Bowring, Dr.

CONTROVERTED ELECTIONS.] Mr. *C. Buller*, in moving in Committee the postponement of the first clause observed, that the dissatisfaction with Election

Committees was not confined to one side of the House, but was general. They were considered as mere trials of party skill, the only question being, whether in the Committee, the majority was favourable to the sitting Member or to the petitioners. He thought it very disgraceful that such a state of things should exist, and that nothing could be more calculated to lower the House in the estimation of the country. It was a general opinion, that partisanship in Election Committees was not very objectionable. The judges in those tribunals, however, having nothing to guide their judgment, were likely to decide in favour of the party they espoused, and this he thought was an evil which ought, if possible, to be guarded against. He fully agreed, that it would be too much to impugn the impartiality of a man because he listened to the suggestions of his own party, but still the present system, in his opinion, called for some alteration. The first change which the Committee recommended was, that at least one Member of each Election Committee should be a person who was well conversant with law. In the first place, it was proposed, that there should be on each Committee a person who was not a Member of that House, but who, having a competent knowledge of law, could preside as judge in explaining the law, and acting in all other respects as chairman, without, however, possessing the power of voting. This would render the alteration less objectionable than it otherwise might seem. The number of assessors proposed to be appointed was three, and it was intended that they should be nominated by the Speaker, and that the House should be entitled to exercise a veto on his nomination. This was the first great change which was proposed, but not content with this, the Committee went still farther, and the next feature in the way of alteration, which he would notice was, the reduction which was recommended to be made in the number of the Committee, from eleven to five. They proposed to abolish the present system of striking, and to adopt instead the plan of peremptory challenge, which was found to work so well with respect to the formation of juries in the courts of law. The whole list should contain fifteen names, and these might be challenged, as they were called out by the Speaker, until they came to the last five, who, being unchallenged, would form the Committee. It was also intended to avoid the necessity which at present consisted of collecting Members, by either party, for the formation of Election Committees. With this view, they proposed, that in the first week of each new Session of Parliament, a list should be made out, on which the names of those Members only who were liable to serve for this purpose should be placed, and that a limited number, say sixty, should be obliged to attend on the days fixed for appointing Election Committees. This number would be quite enough, and the alteration which such a panel would effect, would be the principle change which was intended to be made in the whole law. Another object kept in view was, to give all possible publicity to the proceedings of the Committee, by allowing the presence of strangers until the chairman had concluded his charge or summing up, and having the names of the Members voting for each resolution read in public. There was also a provision for ascertaining the validity of a vote before it was known for whom it was to be given. Now, for this purpose the three assessors would form a proper tribunal, as they would, of course, be the highest authorities in points of law of this description. They were all aware of the imperfect state of the law with regard to costs in election matters. That law was at present much too severe. Unless a petition, or the opposition to it, were reported to be frivolous and vexatious, no costs were allowed to either party, but it was now proposed, that the assessor should be armed with the power to decide all questions relating to costs, and to determine whether either party was or not entitled to costs from the other. Having made these general observations, he would defer all further explanations until the particular clauses came before the Committee.

Lord *Granville Somerset* said, that although he had been a member of the committee on this subject he could not concur in the recommendations made in their report, because he did not believe the alterations which they proposed were either practicable or wise, or that they would remedy the evils complained of. Of what advantage would the judge be? He might lay down and explain the law, but if the committee were not bound to abide by his judgment it was obvious that he would be placed in a very awkward position, as he would be little better than a mock judge. It was clear that none bu men of high standing at the bar would b competent to fill such a station; and even supposing that such parties could be induced to accept of it, then it was anything but probable that they would have sufficient professional business to enable them to keep up such a knowledge of law as would render them suitable to the satisfactory discharge of the duties of their offices. He thought, also, that the mode of nomination proposed was objectionable, because the Speaker was as likely to entertain a political bias, especially at the commencement of a new Parliament, as any Member of that House. He would pass by the anomaly of they being such children as not to be able to preside over their own tribunals. He must say that a diminution of the number of the Members, should be of all other things the most objectionable, because it was quite possible that the opinion of an assessor would have greater influence over a larger than a smaller number. With these views he certainly could not concur in the proposition of the hon. Gentleman.

Mr. *Poulter* thought that the inconvenience complained of arose less from the state of the law than from the objectionable constitution of election committees. He did not think that the present Bill would afford a suitable remedy. The result of the present mode of striking election committees was, that eleven men, though otherwise, perhaps, highly accomplished, were sent to decide on questions of a difficult nature—questions on which the Judges of the land might find it difficult to decide. He despaired of seeing justice done unless they found men of judgment, and of the special knowledge that was requisite to enable them to determine the intricate and difficult questions which were often submitted to them for decision.

The *Attorney-General* thought the House much indebted to the hon. Member for Liskeard for the attempt which he had made to improve this species of tribunal, which stood in need of improvement, for it neither possessed the confidence of the House nor of the country. The practice of whipping for ballots had a bad effect upon the mind of the country. He doubted, however, whether the Bill before the House was calculated to improve the present state of things. With respect to the appointment of the assessors, he thought his hon. Friend had either gone too far or had not gone far enough. With a salary of two thousand per annum, proposed under this Bill, they would hardly be able to get men of sufficient ability to undertake the duties of an office which would shut them out from their profession. It was questionable too, whether the assessors would possess the respect of the committee. He would be in the capacity of a Judge-Advocate. He would have no vote, and the country gentlemen who were Members of the House might not feel disposed to yield much to the opinions of one whom they would look upon as a paid lawyer. With respect to reducing the numbers of the committee, he thought it objectionable, and calculated to lessen the confidence of the House in their decisions. There was another plan, however, which he did not propose, but merely threw out, and that was, lessening the number of Revising Barristers, and, instead of the 147 Judges they had at present, appointing six or eight Judges, who, if it was necessary, might form a Court of Appeal, and who would conduct this business much more expeditiously, usefully, and satisfactorily than it was done at present. He believed that an election petition, which it now took six weeks to decide, might, before a regular judicial tribunal, be determined in less than so many days. He believed it the most convenint course that the committee should be content with the progress they had made for the present, and he should move that the Chairman should report progress,

Mr. *Williams Wynn*, wished to make a few observations. He doubted very much whether many of the inconveniences at present complained of would not take place under any tribunal, however constituted. He did not think that, under any circumstances, business could be dispatched with the economy of time which had been just now stated. He had entered a committee room recently, and heard one set of witnesses prove that land was only of the value of 17*s*., whilst other witnesses declared it to be worth 1*l*. 17*s*. Now, unless the committee were to determine on hearing only one side they must take time to determine between conflicting evidence. Notwithstanding all that had been said he did not think that the decisions of election committees were influenced by motives of party. He believed that a greater evil than any complained of would arise from changing the present course of proceeding, and shaking the law which had been established by those decisions. He thought the best course would be to pass a declaratory Act, setting at rest as many points at present disputed as could be brought together, and thus leaving untouched the law which had arisen out of a number of sound and established decisions. He agreed in the objections that had been offered to the appointment of the assessors. He believed it would be difficult to get men of the requisite ability to separate themselves from their business. Besides this, there was another objection, namely, in the first session of a new Parliament there would be a number of petitions to be tried, yet there would be few the next year, and fewer as the Parliament advanced, so that the office of the assessor, under these circumstances, would be to a great extent a sinecure. It appeared to him that the plan proposed in the Bill before them as well as that suggested by the Attorney-General, afforded no prospect of curing the evils complained of.

House was counted out.

HOUSE OF LORDS,

Thursday, May 18, 1837.

MINUTES.] Petitions presented. By the Earl of RADNOR, from several places in the county of Wilts, for the abolition of Church-rates.—By the Duke of BUCCLEUCH, from the Clergy of Northamptonshire, for the better Observance of the Lord's-day.—By Lord PRUDHOE, from places in Yorkshire, against the abolition of Church-rates.—By Lord ASHBURTON, from the Guardians of the Poor of an Union in the county of Essex, to levy Poor-rates on the owners of houses under 8*l.* per annum.—By Lord MAYNARD, from the Guardians of the Poor of the Saffron Waldon Union, to the same effect.

CANADA.] A conference was held with the Commons, when their Lordships informed the Commons that their Lordships concurred with the resolutions of the Commons on the subject of the Government of the province of Lower Canada.

PUBLIC BUSINESS.] Lord *Brougham* would take that opportunity of giving a general notice that he should on an early day call the attention of the House to the state of the public business before Parliament. He felt that it was absolutely necessary to call the attention of their Lordships to the great grievance which arose from the delay that occurred before measures came before that House. This was a matter that demanded the most serious attention, as the public business was never brought forward in that House until towards the end of the Session. It would be difficult to say, what that House had done since the commencement of the Session, unless it was mischief instead of good—namely, assenting to the coercive resolutions relative to Canada. In point of fact, they had been sitting for four months, and had not proceeded with any legislative measure. The only reason why he did not at once call the attention of the House to the subject was, that he found some difficulty in avoiding making reference to matters to which he did not then wish to allude. He trusted, however, that he should be able to bring the matter before Parliament without touching on what were supposed to be the peculiar privileges of the other House.

DESECRATION OF CHURCHES.] Lord Godolphin having presented a petition from the city of Norwich in favour of the Church Notices Bill,

The Bishop of *London* said, that the evil alluded to in this petition from Norwich prevailed to a very great extent in the metropolis, and some remedy should be applied to it. Meetings of the vestries were often held in the body of the church, and scenes of violence and indecency often occurred. By this means damage was often done to churches. These meetings were not confined to vestries, but other public meetings were often held in churches. He would not allude to the meetings respecting Church-rates, but he would mention one which just occurred to him. He recollected that an election of an alderman for a ward in the city of London took place in the parish church, and scenes of outrage and violence occurred there, and persons addressed the assembly from the pulpit and reading-desk. He could also mention some recent political meetings that had been held in churches in the metropolis. He trusted that something would be done in the Legislature of this Christian country to put a stop to such scenes. He hoped that the noble Lord would not object to the introduction of a clause into his Bill prohibiting the holding of such meetings in the parish church.

Lord *Brougham* said, that the difficulty would be removed if their Lordships would support the Church-rate measure proposed by Government, as the meetings respecting Church-rates were the causes of these disturbances.

The Earl of *Malmesbury* looked with anxiety for some arrangement which would get rid of such disturbances as had been referred to by the right rev. Prelate. He thought proper places should be provided for vestry meetings in large towns. In rural parishes it might be necessary to hold vestry meetings in the Church; but in such places the indecent scenes which had been described by the right rev. Prelate did not occur. In large towns there would be no great difficulty in providing buildings for their meetings.

Petition laid on the Table.

HOUSE OF COMMONS,

Thursday, May 18, 1837.

MINUTES.] Petitions presented. By Lord ALFORD, Mr. G. F. YOUNG, Mr. BELL, Mr. B. HOY, and Sir A. AGNEW, from various places, in favour of the Sabbath Bill.—By Mr. BROTHERTON, from Salford, for a reduction of the Duty on Tobacco.—By Mr. GILLON, from Linlithgow, for a reduction of the Duty upon Soap.—By Lord ALFORD, Sir G. CREWE, Dr. NICHOLL, and other hon. MEMBERS, from various places, against, and by Mr. WILKS, Mr. GILLON, and other hon MEMBERS, from various places, for abolition of Church-rates.—By Mr. CHISHOLM, from several places in Scotland, against the Burghs of Barony Bill.—By Major MACNAMARA, from places in Ireland, expressive of confidence in his Majesty's present Government.—By Mr. HUME, from St. Andrew's, Holborn, for an equalisation of the Land-tax.—By Sir G. CLERK, from Musselburgh, against the Municipal Corporations (Scotland) Bill.—By Lord W. BENTINCK, from Ministers and Elders of the Scotch Relief Church, in favour of the Ministerial plan for the abolition of Church-rates.—By Mr. ELPHINSTONE, from St. Martin-in-the-Fields, for a repeal of the Window-tax.—By Mr. AGLIONBY, from the Tower Hamlets, complaining of the present state of the Law of Landlord and Tenant.

CANADA—CONFERENCE WITH THE LORDS.] A conference was held with the Lords on the subject of Canada.

On the return of the managers,

Lord *John Russell* reported, that the Duke of Richmond, had informed the Commons that the Lords had taken into consideration the resolutions of the House of Commons respecting Canada, and had agreed to them without amendment. He would therefore, move that a Bill be ordered to be brought in founded on these resolutions. Bill ordered to be brought in.

TAXES ON INTERNAL COMMUNICATION.] Mr. *Gillon* pursuant to notice, called the attention of the House to the legislative policy adopted in reference to internal communication, and especially to the unequal rates of taxation on different modes of travelling. This was a subject of very general interest and importance, and he trusted that due attention would be paid to it by the Legislature. Nothing could be more unjust, more injurous to a large and industrious class, or more inconvenient to the public, than the present unequal rates of taxation imposed on the other modes of conveyance as compared with the conveyance by steam. Steam as a motive power, whether on railways, on rivers, or on the sea, was totally untaxed. What was the case as regarded other modes of conveying passengers to different parts of the country? What was the case with respect to stage-coaches? While the railway-coach was altogether untaxed, the stage coach, travelling on the high roads, was subjected to the payment of an annual license-duty of 5*l.* The conductor of the railway-coach paid no duty; the driver of the stage-coach had to pay annually a duty of 1*l.* 5*s.* Again the mileage duty on passengers by the stage-coach was one farthing per mile on the number of passengers the coach is licensed to carry, while the railway-coaches only paid a duty of one-eighth of a penny for each passenger actually carried, and the additional advantage offered them of the power to compound, while the stage-coaches were not allowed to compound. The Dalkeith Railway Company, for instance, compounded last year for 200*l.*, while, had the full rate been levied of one-eighth on each passenger, the duty received would have been 800*l.* The hon. Member concluded by moving, that "a Select Committee be appointed to consider the best mode of putting an end to the present scale of taxation on internal communication."

Mr. *Horsman* seconded the motion.

The *Chancellor of the Exchequer* did not rise for the purpose of throwing any obstacle in the way of the motion; at the same time he should be sorry if it went abroad that the object of the present motion was for the purpose of checking any mode of investing capital.

The Committee appointed.

LAW OF COPYRIGHT.] Mr. *Sergeant Talfourd*:[*] Mr. Speaker, in venturing to invite the attention of the House to the state of the law affecting the property of men of letters and of artists in the results of their genius and industry, I feel that it is my duty to present their case as concisely as its nature will permit. While I believe that their claims to some share in the consideration of the Legislature will not be denied, I am aware that they appeal to feelings far different from those which are usually excited by the intellectual conflicts of this place; that the interest o their case is not of that stirring kind which belongs to the busy present, but reflects back on the past, of which the passions are now silent, and stretches forward with speculation into the visionary future; and that the circumstances which impede their efforts and frustrate their reward, are best appreciated in the calmness of thought to which those efforts are akin. I shall therefore intrude as briefly as I can on the patience of the House, while I glance at the history of the evils of which they complain; suggest the principles on which I think them entitled to redress; and state the outline of the remedies by which I propose to relieve them.

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[*] From a corrected report published by Moxon.

It is, indeed, time that literature should experience some of the blessings of legislation; for hitherto, with the exception of the noble boon conferred on the acted drama by the Bill of my hon. Friend the Member for Lincoln, it has received scarcely anything but evil. If we should now simply repeal all the statutes which have been passed under the guise of encouraging learning, and leave it to be protected only by the principles of the common law, and the remedies which the common law could supply, I believe the relief would be welcome, It did not occur to our ancestors, that the right of deriving solid benefits from that which springs solely from within us—the right of property in that which the mind itself creates, and which, so far from exhausting the materials common to all men, or limiting their resources, enriches and expands them—a right of property, which by the happy peculiarity of its nature, can only be enjoyed by the proprietor in proportion as it blesses mankind—should be exempted from the protection which is extended to the ancient appropriation of the soil, and the rewards of commercial enterprise. By the common law of England, as solemnly expounded by a majority of seven to four of the judges in the case of "Donaldson *v.* Beckett," and as sustained by the additional opinion of Lord Mansfield, the author of an original work had for ever the sole right of multiplying copies, and a remedy by action, incident to every right, against any who should infringe it. The jurisdiction of the Star Chamber, while it restrained the freedom of the press, at the same time incidentally preserved the copyright from violation; and this was one of the pleas urged for the power of licensing; for Milton, in his immortal pleading for unlicensed printing, states, as one of the glosses of his opponents, "the just retaining by each man of his several copy, which God forbid should be gainsaid." In the special verdict in "Miller *v.* Taylor" (1769), it was found as a fact, "that before the reign of Queen Anne, it was usual to purchase from authors the perpe ual copyright of their books, and to assign the same from hand to hand for valuable considerations, and to make them the subject of family settlements." In truth, the claim of the author to perpetual copyright was never disputed, until literature had received a fatal present in the first act of Parliament for its encouragement—the 8th Anne, c. 19, passed in 1709; in which the mischief lurked, unsuspected, for many years before it was called into action to limit the rights it professed, and was probably intended, to secure. By that act the sole right of printing and reprinting their works was recognised in authors for the term of fourteen years, and, if they should be living at its close, for another period of the same duration—and piracy was made punishable during those periods by the forfeiture of the books illegally published, and of a penny for every sheet in the offender's custody—one half to the use of the Queen's Majesty, the other halfpenny, not to the poor author, whose poverty the sum might seem to befit, but to the informer; and the condition of these summary remedies, was the entry of the work at Stationers'-hall. This act, ' for the encouragement of learning," which, like the priest in the fable, while it vouchsafes the blessing denies the farthing, also confers a power on the Archbishop of Canterbury and other great functionaries to regulate the prices of books, which was rejected by the Lords, restored on conference wih the Commons, and repealed in the following reign; and also confers on leaning the benefit of a forced contribution of nne copies of every work, on the best paper, for the use of certain libraries

Except in this last particular, the act seems to have remained a dead letter down to the year 1760, no one, as far as I can trace, having thought it worth while to sue for its half-pennies, and no one having suggested that its effect had been to repeal the common-law right of authors to the term during which its remedies were to operate. So far was this construction from being suspected, that in this interval of fifty years the Court of Chancery repeatedly interfered by injunction to restrain the piracy of books in which the statutable copyright had long expired. This protection was extended in 1735, to "The Whole Duty of Man," the first assignment of which had been made seventy-eight years before; in the same year to the "Miscellanies of Pope and Swift;" in 1736 to "Nelson's Festivals and Fasts;" in 1739 to the "Paradise Lost;" and in 1752 to the same poem, with a life of the author, and the notes of all preceding editions. Some doubts having at length arisen, the question of the operation of the statute was in 1760 raised by a sort of amicable suit,, "Tonson *v.* Collins," respecting the "Spectator," in which the Court of Common Pleas inclined to the plaintiff, but before giving judgment, discovered that the proceeding was collusive, and refused to pronounce any decision. In 1766 an action was brought, "Miller *v.* Taylor," for pirating "Thomson's Seasons," in the Court of King's Bench, before whom it was elaborately argued, and which in 1769 gave judgment in favour of the subsisting copyright, Lord Mansfield, Mr. Justice Willes, and Mr. Justice Aston holding, that copyright was perpetual by the common law, and not limited by the statute, except as to penalties, and Mr. Justice Yates dissenting from them. In 1774 the question was brought before the House of Lords, when eleven judges delivered their opinions upon it—six of whom thought the copyright limited, while five held it perpetual; and Lord Mansfield, who would have made the numbers equal, retaining his opinion, but expressing none. By this bare majority—against the strong opinion of the Chief Justice of England—was it decided that the statute of Anne has substituted a short term in copyright for an estate in fee, and the rights of authors were delivered up to the mercy of succeeding Parliaments.

Until this decision the copy right vested in the universities had only shared the protection which it was supposed had existed for all, and, in fact their copyright was gone. But they immediately resorted to the Legislature and obtained an Act, 15 George 3rd, c. 63, "For enabling the two universities in England, the four universities of Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity the copyright in books given or bequeathed to them for the advancement of learning and the purposes of education; and the like privilege was, by 41 George 3rd, c. 107, extended to Trinity College, Dublin. With the immunities thus conferred on the universities, or rather, with this exemption from the wrong incidentally inflicted on individuals, I have no intention to interfere; neither do I seek to relieve literature from the obligation, recently lightened by the just consideration of Parliament, of supplying the principle universities with copies of all works at the author's charge. I only seek to apply the terms of the statute, which recites that the purposes of those who bequeathed copyright to the universities for the advancement of learning would be frustrated unless the sole printing and reprinting of such books be secured in perpetuity, to support the claim of individuals to some extended interest in their own. I only ask that some of the benefits enjoyed by the venerable nurseries of learning and of genius should attend the works of those whose youth they have inspired and fostered, and of those also who, although fortune has denied to them that inestimable blessing, look with reverence upon the great institutions of their country, and feel themselves in that reverence not wholly strangers to the great body of associations they nourish.

The next act, 41st George 3rd, c. 107, passed immediately after the Union, did little besides including Ireland in the general law of copyright; conferring on Trinity College, Dublin, the privilege of English universities: prohibiting the importation of books from abroad which had been originally printed in the United Kingdom; and increasing the penalty on piracies from 1*d.* to 3*d.* per sheet. But in the year 1814, by the statute 54 George 3rd, c. 156, which is the principal subsisting act on the subject of literary copyright, reciting "That it would afford further encouragement to literature, if the duration of copyright were further extended," enlarges it to the absolute term of twenty-eight years; and if the author shall survive that time, secures it to him for the remainder of his life. Since then the Legislature has extended its protection to two classes of composition which before were left in a condition to invite piracy—to the acted drama, by the measure of 3 William 4th, c. 15, and to lectures, by 5 and 6 William 4th, c. 65—and has, by an Act of last Session, lightened the load of one of the blessings conferred by the Legislature, by reducing the copies which authors are privileged to render to five; but the term of twenty-eight years, with the possible reversion beyond that time for life, is all authors have yet obtained in return for that inheritance of which the statute of Anne deprived them.

This limitation of the ancient rights of authorship has not been compensated by uniformity in the details of the law, by simplicity in the modes of proving the right, or of transferring it, or by the cheapness or adequacy of the remedies. The penal clauses have proved wholly worthless. Engravings, etchings, maps, and charts, which are regulated by other statutes, are secured to the author for twenty-eight years, but not, like books, for the contingent term of life. Instead of the registration at Stationers'-hall, which has been holden not necessary for the right of action, the work must bear the date and the name of the proprietor; but no provision is made in either case for cheap transfer. Now, I propose to render the law of copyright uniform, as to all books and works of art, to secure to the proprietor the same term in each, to give one plan of registration and one mode of transfer. As the Stationers' company have long enjoyed the control over the registration of books, I do not propose to take it from them, if they are willing to retain it with the increased trouble, compensated by the increased fees which their officer will be entitled to receive. I propose that, before any proceeding can be adopted for the violation of copyright, the author, or his assignee, shall deposit a copy of the work, whether book or engraving, and cause an entry to be made in the form to be given in the act of the proprietorship of the work, whether absolute or limited; and that a copy of such entry, signed by the officer, shall be admitted in all courts as *primâ facie* evidence of the property. I propose that any transfer should be registered in like manner in a form also to be given by the Act, and that such transfer shall be proved by a similar copy, and that in neither case shall any stamp be requisite.

At present, great uncertainty prevails as to the original right of property in papers supplied to periodical works, or written at the instance of a bookseller, and as to the right of engraving from original pictures. However desirable it may be that these questions should be settled, it is impossible to interfere with the existing relations of booksellers and authors, or of patrons of art and artists. Neither, for the future, do I propose to lay down any rule as to the rights which shall originally be expressed or implied between the parties themselves; but that the right of copy shall be registered as to such books, pictures, or engravings, only with the consent of both expressed in writing, and when this is done, shall be absolute in the party registered as owner. At present, an engraver or publisher, who has given a large sum for permission to engrave a picture, and expended his money or labour in the plate, may be met by unexpected competition, for which he has no remedy. By making the registration not the condition of the right itself, but of the remedy by action or otherwise, the independence of contracting parties will be preserved, and this evil avoided for the future. A competent tribunal will still be wanting; its establishment is beyond the scope of my intention or my power; but I feel that complete justice will not be done to literature and art, until a mode shall be devised for a cheap and summary vindication of their injuries before some parties better qualified to determine it than judges who have passed their lives in the laborious study of the law, or jurors who are surrounded with the cares of business, and, except by accident, little acquainted with the subjects presented to them for decision.

But the main object of the bill which I contemplate is—I will not use those words of ill omen, " the further advancement of learning," but—for additional justice to learning, by the further extension of time during which authors shall enjoy the direct pecuniary benefit immediately flowing from the sale of their own works.

Although I see no reason why authors should not be restored to that inheritance which, under the name of protection and encouragement, has been taken from them, I feel that the subject has so long been treated as matter of compromise between those who deny that the creations of the inventive faculty, or the achievements of the reason, are the subjects of property at all, and those who think the property should last as long as the works which contain truth and beauty live, that I propose still to treat it on the principle of compromise, and to rest satisfied with a fairer adjustment of the difference than the last Act of Parliament affords. I shall propose — subject to modification when the details of the measure shall be discussed—that the term of property in all works of learning, genius, and art, to be produced hereafter, or in which the statutable copyright now subsists, shall be extended to sixty years, to be computed from the death of the author; which will, at least, enable him, while providing for the instruction and the delight of distant ages, to contemplate that he shall leave in his works themselves some legacy to those for whom a nearer, if not a higher duty, requires him to provide, and which shall make "death less terrible." When the opponents of literary property speak of glory as the reward of genius, they make an ungenerous use of the very nobleness of its impulses, and show how little they have profited by its high example. When Milton, in poverty and in blindness, fed the flame of his divine enthusiasm by the assurance of a duration coequal with his language, I believe, with Lord Camden, that no thought crossed him of the wealth which might be amassed by the sale of his poem; but surely some shadow would have been cast upon "the clear dream and solemn vision" of his future glories, had he foreseen that, while booksellers were striving to rival each other in the magnificence of their editions, or their adaptation to the convenience of various classes of his admirers, his only surviving descendant, a woman, should be rescued from abject want only by the charity of Garrick, who, at the solicitation of Dr. Johnson, gave her a benefit at the theatre which had appropriated to itself all that could be represented of Comus. The liberality of genius is surely ill-urged for our ungrateful denial of its rights. The late Mr. Coleridge gave an example not merely of its liberality, but of its profuseness; while he sought not even to appropriate to his fame the vast intellectua treasures which he had derived from boundless research, and coloured by a glorious imagination; while he scattered abroad the seeds of beauty and of wisdom to take root in congenial minds, and was content to witness their fruits in the productions of those who heard him. But ought we, therefore, the less to deplore, now when the music of his divine philosophy is for ever hushed, that the earlier portion of those works on which he stamped his own impress—all which he desired of the world that it should recognise as his —are published for the gain of others than his children—that his death is illustrated by the forfeiture of their birthright? What justice is there in this? Do we reward our heroes so? Did we tell our Marlboroughs, our Nelsons, our Wellingtons, that glory was their reward, that they fought for posterity, and that posterity would pay them? We leave them to no such cold and uncertain requital; we do not even leave them merely to enjoy the spoils of their victories, which we deny to the author—we concentrate a nation's honest feeling of gratitude and pride into the form of an endowment, and teach other ages what we thought, and what they ought to think, of their deeds by the substantial memorials of our praise. Were our Shakspeare and Milton less the ornaments of their country, less the benefactors of mankind? Would the example be less inspiring if we permitted them to enjoy the spoils of their peaceful victories—if we allowed to their descendants, not the tax assessed by present gratitude, and charged on the future, but the mere amount which that future would be delighted to pay—extending as the circle of their glory expands—and rendered only by those who individually reap the benefits, and are contented at once to enjoy and to reward its author?

But I do not press these considerations to the full extent—the past is beyond our power—and I only ask for the present a brief reversion in the future. "Riches fineless" are already ours. It is in truth the greatness of the blessings which the world inherits from genius that dazzles the mind on this question, and the habit of repaying its bounty by words, that confuses us and indisposes us to justice. It is because the spoils of time are freely and irrevocably ours—because the forms of antique beauty wear for us the bloom of an imperishable youth—because the elder literature of our own country is a free mine of wealth to the bookseller, and of delight to ourselves, that we are unable to understand the claim of our contemporaries to a beneficial interest in their works. Because genius of necessity communicates so much, we cannot conceive it as retaining anything for its possessor. There is a sense, indeed, in which the poets "on earth have made us heirs of truth and pure delight in heavenly lays;" and it is because of this very boon; because their thoughts become our thoughts, and their phrases unconsciously enrich our daily language—because their works, harmonious by the law of their own nature, suggest to us the rules of composition by which their imitators should be guided—because to them we can resort, and "in our golden urns draw light," that we cannot fancy them apart from ourselves, or admit that they have any property except in our praise. And our gratitude is shown not only in leaving their descendants without portion in the pecuniary benefits derived from their works, but in permitting their fame to be frittered away in abridgments, and polluted by base intermixtures, and denying to their children even the cold privilege of watching over and protecting it.

There is something, Sir, peculiarly unjust in bounding the term of an author's property by his natural life, if he should survive so short a period as twenty-eight years. It denies to age and experience the probable reward it permits to youth—to youth, sufficiently full of hope and joy, to slight its promises. It gives a bounty to haste, and informs the laborious student who would wear away his strength to complete some work which "the world will not willingly let die," that the more of his life he devotes to its perfection, the more limited shall be his interest in its fruits. It stops the progress of remuneration at the moment it is most needed, and when the benignity of nature would extract from her last calamity a means of support and comfort to survivors. At the moment when his name is invested with the solemn interest of the grave — when his eccentricities or frailties excite a smile or a shrug no longer—when the last seal is set upon his earthly course, and his works assume their place among the classics of his country—your law declares that his works shall become your property; and you requite him by seizing the patrimony of his children. We blame the errors and excesses of genius, and we leave them—justly leave them—for the most part, to the consequences of their strangely blended nature. But if genius, in assertion of its diviner alliances, produces large returns when the earthly cost of its frail possessor is past, why is the public to insult his descendants with their alms and their pity? What right have we to moralise over the excesses of a Burns, and insult his memory by charitable honours, while we are taking the benefit of his premature death, in the expiration of his copyright and the cheapness of his works? Or, to advert to a case in which the highest intellectual powers were associated with the noblest moral excellence, what right have we to take credit to ourselves for a paltry and ineffectual subscription to rescue Abbotsford for the family of its great author, (Abbotsford, his romance in stone and mortar, but not more individually *his* than those hundred fabrics, not made with hands, which he has raised and peopled for the delight of mankind), while we insist on appropriating now the profits of his earlier poems, and anticipate the time when, in a few years, his novels will be ours without rent-charge to enjoy, and any one's to copy, to emasculate, and to garble? This is the case of one, whom kings and people delighted to honour. But look on another picture—that of a man of genius and integrity who has received all the insult and injury from his contemporaries, and obtains nothing from posterity but a name. Look at Daniel De Foe; recollect him pilloried, bankrupt, wearing away his life to pay his creditors in full, and dying in the struggle! — and his works live, imitated, corrupted, yet casting off the stains, not by protection of law, but by their own pure essence. Had every school-boy, whose young imagination has been prompted by his great work, and whose heart has learned to throb in the strange, yet familiar solitude he created, given even the half-penny of the statute of Anne, there would have been no want of a provision for his children, no need of a subscription for a statue to his memory.

The term allowed by the existing law is curiously adapted to encourage the lightest works, and to leave the noblest unprotected. Its little span is ample for authors who seek only to amuse; who, "to beguile the time, look like the time;" who lend to frivolity or corruption, "lighter wings to fly:" who sparkle, blaze and expire. These may delight for a season the fireflies on the heaving sea of public opinion—the airy proofs of the intellectual activity of the age; yet surely it is not just to legislate for those alone, and deny all reward to that literature which aspires to endure. Let us suppose an author, of true original genius, disgusted with the inane phraseology which had usurped the place of poetry, and devoting himself from youth to its service; disdaining the gauds which attract the careless, and unskilled in the moving accidents of fortune—not seeking to triumph in the tempest of the passions, but in the serenity which lies above them—whose works shall be scoffed at—whose name made a by-word—and yet, who shall persevere in his high and holy course, gradually impressing thoughtful minds with the sense of truth made visible in the severest forms of beauty, until he shall create the taste by which he shall be appreciated—influence one after another, the master spirits of his age—be felt pervading every part of the national literature, softening, raising and enriching it; and when at last he shall find his confidence in his own aspirations justified, and the name which once was the scorn admitted to be the glory of his age—he shall look forward to the close of his earthly career, as the event that shall consecrate his fame and deprive his children of the opening harvest he is beginning to reap. As soon as his copyright becomes valuable it is gone. This is no imaginary case—I refer to one who, "in this setting part of Time" has opened a vein of the deepest sentiment and thought before unknown—who has supplied the noblest antidote to the freezing effects of the scientific spirit of the age—who, while he has detected that poetry which is the essence of the greatest things, has cast a glory around the lowliest conditions of humanity, and traced out the subtle links by which they are connected with the highest—of one whose name will now find an echo, not only in the heart of the secluded student, but in that of the busiest of those who are fevered by political controversy—of William Wordsworth. Ought we not to requite such a poet in some degree for the injustice of our boyhood? For those works which are now insensibly quoted by our most popular writers, the spirit of which now mingles with our intellectual atmosphere, he probably has not received through the long life he has devoted to his art, until lately, as much as the same labour, with moderate talent, might justly produce in a single year. Shall the law, whose term has been amply sufficient to his scorners, now afford him no protection because he has outlasted their scoffs, because his fame has been fostered amidst the storms, and is now the growth, of years?

There is only one other consideration to which I will advert, as connected with this subject—the expedience and justice of acknowledging the rights of foreigners to copyright in this country and of claiming it from them for ourselves in return. If at this time it were clear that our law afforded no protection to foreigners first publishing in other countries, there would be great difficulty in dealing with this question for ourselves, and we might feel bound to leave it to negotiation to give and to obtain reciprocal benefits. But if a recent decision on the subject of musical copyright is to be regarded as correct, the principle of international copyright is already acknowledged here, and there is little for us to do in order that we may be enabled to claim its recognition from foreign states. It has been decided by a judge conversant with the business, and with the elegancies of life to a degree unusual with an eminent lawyer; by one who was the most successful advocate of his time, yet who was not more remarkable for his skill in dealing with facts, than for the grace with which he embellished them, by Lord Abinger—that the assignee of foreign copyright, deriving title from the author abroad to publish in this country, and creating that right within a reasonable time, may claim the protection of our courts against any infringement of his copy. If this is law—and I believe and trust it is—we shall make no sacrifice in so declaring it, and in setting an example which France, Prussia, America, and Germany are prepared to follow. Let us do justice to our law and to ourselves. At present, not only is the literary intercourse of countries, who should form one great family, degraded into a low series of mutual piracies, not only are industry and talent deprived of their just reward, but our literature is debased in the eyes of the world, by the wretched medium through which they behold it. Pilfered, and disfigured in the pilfering, the noblest images are broken, wit falls pointless, and verse is only felt in fragments of broken music;—sad fate for an irritable race. The great minds of our time have now an audience to impress far vaster than it entered into the minds of their predecessors to hope for; an audience increasing as population thickens in the cities of America, and spreads itself out through its diminishing wilds, who speak our language, and who look on our old poets as their own immortal ancestry. And if this our literature shall be theirs; if its diffusion shall follow the efforts of the stout heart and sturdy arm in their triumph over the obstacles of nature; if the woods stretching beyond their confines shall be haunted with visions of beauty which our poets have created, let those who thus are softening the ruggedness of young society have some present interest about which affection may gather, and at least let them be protected from those who would exhibit them mangled or corrupted to their transatlantic disciples. I do not in truth ask for literature favour: I do not ask for it charity; I do not even appeal to gratitude in its behalf; but I ask for it a portion, and but a portion, of that common justice which the coarsest industry obtains for its natural reward, and which nothing but the very extent of its claims, and the nobleness of the associations to which they are akin, have prevented it from receiving from our laws.

Sir, I will trespass no longer on the patience of the House, for which I am most grateful, but move that leave be given to bring in a Bill "to consolidate and amend the laws relating to property in the nature of copyright in books, musical compositions, acted dramas, pictures, and engravings, to provide remedies for the violation thereof, and to extend the term of its duration."

The *Chancellor of the Exchequer* did not know whether he might claim the privilege of seconding the motion of his hon. and learned Friend, but he begged to be allowed to do so—never, on any occasion, having enjoyed a more unmixed feeling of gratification than he derived both from the speech of his hon. and learned Friend, and the motion of which it was introductory. And, in passing, he might be allowed to say, that the motion was not inappropriately made by his hon. and learned Friend, to whom the country was under some obligations of a literary character, which would long be remembered. Most fitting was it, that one to whom the country was so indebted, should come forward and claim in behalf of literature, not an act of charity or generosity, but an act of justice. Judging from the mode in which his hon. and learned Friend's arguments had been received, it appeared that there were none of his hopes for the future which the House was not disposed to participate in. For himself, he must say, that no case within his knowledge had been presented to the attention of the Government, in which literary men, or their descendants, claimed the bounty of the Crown without serious reproach appearing to attach to the law of copyright. No such case had been under his cognisance without his feeling, when the Crown was doling out the bounty which Parliament placed at its disposal for such purposes, that a much more liberal provision than could be thus afforded, would have been secured to them as a matter of right, if the law of copyright had been just in its operation. In the course of his observations, his hon. and learned Friend had opened a question of considerable importance; he alluded to the question of international law; and he had brought the subject forward at a most opportune period, inasmuch as that other brother of the English family—for so he must ever describe the nation on the other side of the Atlantic, had already given it some attention. He believed it had been brought under the consideration of the American Congress by a report drawn up by one of its most eminent statesmen, Mr. Clay. The illustrations alone of his hon. and learned Friend were sufficient, in his opinion, to make out his case; but, taken in connexion with the arguments which he had urged, they were, beyond doubt, irresistible. The right hon. Gentleman, in conclusion, said, he was quite sure that it would be most gratifying to the most distinguished of living poets to see justice rendered to genius, and to receive it at the hand of his hon. and learned Friend.

Sir *Robert H. Inglis* having, in the course of last Session, intended to bring this subject under the consideration of the House, was unwilling to lose the present opportunity of stating that, instead of regretting that he had not done so, he had every reason to congratulate the House, those interested in our literature, and the country at large, that the task had been undertaken by one who was, in all respects, so highly qualified to render it justice.

Leave given to bring in the Bill.

LUDLOW CHARITY TRUSTS.] Mr. *L. Charlton* rose, pursuant to notice, to move for a Select Committee to inquire into the matter of the Ludlow Charity Trusts. He himself could not but recollect, and perhaps the House had not forgotten, that a serious charge had been preferred against him in connexion with this subject by the town-council of Ludlow at a time when he was not in a situation to answer them. He now entreated the House to grant him a Select Committee to inquire into those charges, and he should be able to make out a clear case, not only of his own innocence, but of a conspiracy on the part of his accusers to defeat the ends of justice. The funds of the charitable trusts of Ludlow had been most improperly interfered with, and it was because he had raised his voice against this malversation that he had been made the subject of every possible annoyance that a gentleman could receive at the hands of a body like the town-council of Ludlow.

House counted out.

HOUSE OF LORDS,

Friday, May 19, 1837.

MINUTES.] Bills. Read a second time:—Glasgow Police. Petitions presented. By several noble LORDS, from various places, against the abolition of Church-rates.—By Lord KENYON, from Sheerness and Richmond, Surrey, for the better Observance of the Lord's-day.—By the Earl of STRADBROKE, from the Guardians of the Poor, Clayton, Suffolk, in favour of the New Poor-law.—By Lord BROUGHAM, from various Dissenting Congregations in Somersetshire and elsewhere, for the abolition of Church-rates.—By the Earl of RADNOR, from places in Wilts, to a similar effect.—By the LORD CHANCELLOR, from Saffron Waldon, in favour of the Municipal Corporation Amendment Bill.—By Viscount CANTERBURY, from graduates of the University of Cambridge, against any interference with the Statutes of the University.—By Lord GRANTLEY, from several places, against the abolition of Church-rates.

RELIGIOUS INSTRUCTION — (SCOTLAND.] The Earl of *Haddington* rose for the purpose of putting a question to his noble Friend at the head of the Government with respect to the Report of the Commissioners on Religious Instruction in Scotland. The question related to the intentions of his Majesty's Government, growing out of that Report, and he was more especially anxious for an answer, considering the length of time that had elapsed since the Report of the Commissioners had been presented, and no steps taken by the Government in consequence of that Report. He could have wished to have moved, under other circumstances than those which existed at present, a resolution to which he should have asked the sanction of that House; but noble Lords would see by the votes of the other House that the subject had been mooted there, and that the House of Commons, by an inconsiderable majority, had come to a different conclusion from that which would have been embodied in his motion. He did not wish that that House, on a question of this kind, should adopt a resolution which would appear like a determined difference with the decision of the other House. He therefore, on that accasion, would only put a question to the noble Viscount. If he had proposed a motion he should have entered into an analysis of the Report of the Commissioners, although he doubted whether he could have done so in anything like a satisfactory manner. He said this in consequence of the very complex nature of the Report, which, indeed he was aware must be the case from the very nature of the inquiry, and he did not intend to cast any blame on the Commissioners in saying this was the character of the Report; for at the same time it contained some very curious and interesting information, and also some very awful matter. As he did not intend to call upon the House to come to a decision on the subject, he should merely state his view of the Report in a short, and, he trusted, candid manner. He was sure that there was no person acquainted with Scotland who must not be aware that within the last few years the increase of the church accommodation for the bulk of the people of Scotland had not been anything like equivalent to the increase of the number of the population. This was so perfectly notorious, that he did not think that it was necessary for his Majesty's Government to have referred the subject as a matter of inquiry to a Committee of either House, and still less to appoint a Commission to investigate the subject. He did not mean to underrate the value of the services rendered by the voluntary subscriptions of the people of Scotland for the building of churches in places where there was an obvious deficiency of the means of religious worship; on the contrary, he thought those who had promoted these subscriptions were entitled to the highest credit, for he believed that within the last few years not less than forty new churches had been built, in places where they were most required, by such means. But admitting this, he was convinced that if anything had ever been decidedly proved, it was that the voluntary system was altogether inefficient, compared to the demand for the means of attending religious worship. At the same time he admitted that in several places voluntary subscriptions had prevented, to a great extent, the mischief which would otherwise have arisen, though it was ineffectual as a cure. The voluntary principle disclaimed all public aid; the clergy consequently, who ministered in the churches thus erected were paid by means of seat-rents, which were thus necessarily high, and the result was, that the seats were occupied by the rich, and the poorer classes of people in Scotland were excluded from them, and thus in many places were prevented attending divine service. The observation of this state of things in Scotland had operated so strongly on the minds of the clergy of the established church there, that they had exerted themselves to procure petitions to Parliament and the tables of both Houses had been covered with petitions, and in consequence of this, great attention had been directed to the subject. In addition to this, the clergy had exerted themselves with the view of remedying the evil, by getting up subscriptions, which now amounted to 150,000*l.*, and which was likely to be largely increased. These facts were stated in the petitions laid before Parliament. The consequence was, that the attention of the Government was directed to the subject, and at the commencement of the Session of 1835 his Majesty, in his Speech from the Throne recommended to both Houses their earnest attention to the condition of the Church of Scotland, and to the means by which it may be enabled to increase the opportunities of a religious worship for the poorer classes of society in that part of the United Kingdom. A change of government took place at about the completion of two months; and it did not appear that there was the same readiness on the part of the present as of the previous Government to attend to the prayer of the people of Scotland on this subject. Whether this arose from paying undue attention to the prayers of the petitions of the Dissenters in Scotland he could not say, and he certainly had no wish to underrate the prayers of that or any other class of persons, because he thought that Parliament were bound to attend to the petitions of all; but when the Dissenters, in a manner and spirit so subversive of the religious system in Scotland, objected to Parliament giving aid to the established church of that part of the country, and endeavoured to prevent the prayer of the members of the established church being conceded, he had no hesitation to declare, that they did not deserve much attention. The present Government, however, instead of proposing a grant of money for the purpose stated in his Majesty's speech, apparently let the subject drop. After the lapse of some months the subject was brought before the other House by a right hon. Friend of his (Sir W. Rae), who moved that a Select Committee should be appointed to inquire into and report how far it was necessary to build and endow places of worship for the moral and religious instruction of the lower orders of the people of Scotland. In consequence of the subject being thus taken up, Lord John Russell moved as an amendment that a Commission should be issued to inquire into the subject; and on that occasion he stated, in reference to the voluntary principle, that he did not agree with those who said that religion would never flourish so well as when left to the voluntary support of those who might be influenced to attend divine worship. He then proceeded to say—" On that question of principle I do not wish to enter, for I can give but one principle, I can hold but one doctrine on that subject, namely, that a Church Establishment affords the best means of diffusing and promoting religious instruction. I think it our duty, as a Government, to maintain that principle and to uphold the Church Establishment which is founded on it." Nothing could be more satisfactory than the declaration of the noble Lord. Towards the end of his speech, and with reference to the character of the Commission, the noble Lord said, " It may be urged as an objection that the Commission might extend its labours to an inconvenient length, but that will be obviated by arranging that they shall report from time to time, that their reports shall be laid before Parliament and that as soon as Parliament and the Government shall have considered them, and ascertained that a remedy is required, and settled the nature of that remedy, they shall proceed at once to act upon them." Now, the first Report of the Commissioners had been laid before Parliament at an early period of the present year, and in consequence of the Government making no proposition founded on that report, Sir W. Rae again brought the subject before the other House, and made a motion, which was discussed at great length; and on that occasion Lord John Russell said "that he had heard within the last few days that the Commissioners had made inquiries respecting the town of Glasgow, and they had also made various inquiries respecting teinds, and he hoped within a short time to place another report on the table of the House. Therefore, he said, it was better to wait until they had more Reports before them, before any further steps were taken on the subject. The Commissioners had not suggested any remedy that Government should adopt, and it was requisite great caution should be exercised in the selection of a plan. The consequence was, that it required the utmost consideration before any decided step was taken." To state that the matter required the utmost consideration was the observation made on the appointment of the Commission, and on the motion of Sir William Rae; and therefore to repeat the observation at the present day appeared to be a lamentable falling off from the former statements of the Government. It appeared to him that the matter was then perfectly ripe for legislation, and, above all, as regarded the city of Edinburgh; he therefore, wished to know whether the Government really intended to do anything on this subject. From the Report of the Commissioners, it appeared that the population o the city of Edinburgh was 162,292. The clergy of the church of Scotland employed some individuals to make a census of the population of Edinburgh and the neighbouring parishes, dividing them into classes descriptive of their several religious denominations. From the calculations thus made, it appeared that out of the 162,292 inhabitants of Edinburgh, 76,630 belonged to the Established Church of Scotland; 71,271 were Dissenters belonging to all the various denominations; and, to make up the whole number of 162,292, it appeared that there were 14,391 persons who belonged to no denomination of religion whatsoever. This, he thought, was a circumstance which imperatively called upon the Government and Parliament of this Christian country to apply an immediate remedy. The Dissenters also made a census of the population, with a view of obtaining returns of the number of Dissenters and of the Established Church; but the survey was not so extensive, nor did it embrace portions of the population so varied in character as to enable them to found on it so extensive a classification into denominations of the whole inhabitants, as that which he had previously referred to. According to the survey of the Dissenters, there were 76,330 persons belonging to the Established Church; there were 76,571 belonging to all other denominations; and there were 9,391 not known to belong to any denomination. It should be remembered however, that the dissenting investigators had gone over a space extending not more than one-half the population and had taken the result of this survey and adopted the same proportion as applicable to the whole city and its vicinity. According to both these returns, it appeared that there was a very large portion of the population of the capital of Scotland that belonged to no denomination of Christians. He would ask, therefore, whether it was not the duty of Parliament to afford the means of religious instruction to those who, it appeared, did not attend divine worship any where? If the Parliament did not do so, it would be grossly negligent of its duty as a Christian Legislature. It appeared also, from the report of the Commissioners, that accommodation provided by the churches belonging to the establishment, was 36,001 sittings; and the number of sittings in places of worship of other denominations, was 42,705, thus making a total of 78,706. Deducting this amount from the number of the inhabitants of the city of Edinburgh, it appeared that there were no less than 83,586 totally unprovided with the means of religious accommodation. According to other returns, it appeared that 74,795 persons were in the habit of attending some place of worship or other. The Commissioners, in their report, stated "that it is universally admitted in the evidence that there is a large number of persons capable of attending who habitually absent themselves from public worship. This number cannot be less than from 40,000 to 50,000, according to the age at which children may be supposed capable of attending church." The Commissioners conclude this part of their report, by saying, "It appears to us, as the result of the whole evidence, that from whatever cause it proceeds, whether connected with their extent or nature, the opportunities of public religious worship, and the means of religious instruction and pastoral superintendence at present existing and in operation, are not adequate to the removal of the evils complained of." He contended, therefore, that a strong case had been made out to justify calling for aid on behalf of the population of Scotland. Quite a distinct case had been made out for the people of Scotland from that of other parts of the country, for they had distinct pledges held out to them on the subject. The noble Lord in the other House, told them, that the Reports of the Commissioners should not be delayed, but should be made from time to time, and that it should not be requisite that they should all be laid before Parliament before anything was done. Such was the understanding in which the statement of Lord John Russell was taken when he opposed the motion of Sir William Rae, and moved that the Commission should be appointed; and it had occasioned great disappointment to the people of Scotland that so long a time should be allowed to elapse, and then to be told that the subject was one for mature consideration. It was not for him to propose any specific plan—that was not his duty, and it might appear presumptuous if he did—but he would shortly state what the people of Scotland asked for. They did not ask the Government to build churches, for they had already subscribed 150,000*l.* for that purpose. All they wanted was, that the Government should endow the churches already built, as well as those to be hereafter built, by the voluntary subscriptions of members of the establishment. By acting in this manner, they would confer a greater service on the poorer classes than by operating for the same object in a different manner. If the Government would consent to give the minister of each of these churches a moderate endowment, the result would be, that the seats would be let extremely low, and, as he understood, at such a moderate rate, that all those who would object to receive seats gratis in the church, would be enabled to obtain them. A moderate sum to each clergyman would be amply sufficient, and the bestowal of which, he was sure, would be productive of the most beneficial results. Even as a matter of economy, this subject should not be disregarded, causing, as it necessarily would, the diminution of crime, which was a matter of consideration independently of the temporal welfare and the eternal happiness of the persons whose interests were so deeply involved. The neglect of religious instruction led to the indulgence in dissolute habits, which were the parents of crime; and the country was put to an enormous expense in endeavouring to check it by punishment. He was not prepared to go into a lengthened detail of figures to show the great increase of crime that had taken place in Scotland within the last few years, but he would merely refer to the Returns laid before Parliament every Session, showing the expense of criminal prosecutions; and from these returns, it would appear, that the expense of these prosecutions were extremely great now in comparison with what they were some few years ago. This state of things would be materially altered, if the people had churches, and active and zealous clergy, from whom they would receive the best description of instruction. The saving that would result from the diminution of crime, would make a grant such as he suggested, a measure of great economy. There had been much misrepresentation of the opinions given by that eminent divine, Dr. Chalmers, before the Commissioners. It had been said, that he had delineated the zeal of the missionaries as ample for the ends required. Dr. Chalmers did not say anything of the kind; for he said, however zealous the exertions of the missionaries might be, there would be little use in sending them out without building and endowing churches which all classes could attend. The great bulk of the people of Scotland were, and they well might be, from their hereditary predilections, attached to the church of their country, and they were looking with the utmost anxiety to the Government for a remedy of those evils of which they justly complained. The poor people of Scotland thought they had a right to have attention paid to their religious condition. He concurred with them; and he called upon his Majesty's Ministers to do justice to Scotland. He would now put the questions to which he was desirous of obtaining answers from the noble Viscount. He wished, in the first place, to know from the noble Viscount, whether he was prepared positively to state that it was the fixed intention of Government to apply an efficient remedy to these admitted evils; secondly, whether he could inform the House what course his Majesty's Government intended to take in consequence of the Report of the Commissioners; and thirdly, whether that course was intended to be adopted immediately with respect to such portions of Scotland as had already been reported upon, or whether the whole matter was to be delayed till a general measure could be devised?

Viscount *Melbourne:* Before he answered the questions put to him by the noble Earl, begged to make a very few observations on the preliminary matter with which the noble Earl had introduced those questions. The noble Lord had correctly stated, that if he had attended strictly to the course of Parliamentary proceeding, it certainly would have been necessary, in order to produce a discussion upon the subject, for him to have made a motion rather than to have put questions. Great latitude, however, was given by their Lordships to the practice of putting questions, and he must say, that if the noble Earl had thought proper to make a motion, instead of putting a question, he could not have prefaced it with a larger or more elaborate speech. The noble Earl had stated, in the first place, that this matter took its origin in the King's Speech in the commencement of the Session in the year 1835, when it was recommended from the Throne, that the Parliament should pay its attention to the state of the Church of Scotland, with a view to the people receiving religious instruction, and with a view to the poorest classes of the population of Scotland having more frequent opportunities of attending divine worship. At the time that Speech was delivered, or shortly afterwards, he stated, that, in his opinion, that was a very ill-considered recommendation. He still entertained the same opinion, and felt quite certain, that if the Government of 1835 had continued in office, and had attempted to carry into effect their views by the mode to which that recommendation was supposed to point, namely, by proposing to the other House of Parliament a grant of the public money, they would not have been able to succeed. He did not say this with reference to the number of their supporters. They would have been met by the reason of the case. It would have been said to them, "Do you mean to propose this grant, without previously knowing what is the actual state of the Scotch Church; or without knowing anything about what is the accommodation at present given in that Church, and in the other places of public worship?" And being met with these interrogatories, they would have been driven to precisely the same course of inquiry as that which his Majesty's present Ministers had adopted. He would not say, that it was the intention of those who concocted that Speech, or of his noble Friend, who had brought this question forward just at the time of the meeting of the General Assembly of the Church of Scotland, and at the moment when there was a great popular election pending in that country—most certainly he would not say, that it was the intention of his noble Friend, because he believed that his noble Friend brought the subject forward as the advocate and well-wisher of the poorer classes of the community, and upon those higher and more exalted notions which he entertained of the necessity of upholding the great cause of religion and morality, which he had shown to be so intimately connected together: he did not, therefore, believe that it was either the intention of his noble Friend, or of those who acted with him, because it would not be fitting, it would not be becoming of a great political party to be bidding against their antagonists with the public money for the favour, support, and interest of the General Assembly, and of the ministers of the Church of Scotland in the elections, and for the great political power which they were at present wielding and exercising, as he understood, without much scruple in this country. He knew, therefore, that it was not the meaning of his noble Friend, or of those noble Lords who dictated the King's Speech, that that Speech should have that effect;—but though that was not the meaning and intention of the Speech, yet, nevertheless, it had had the effect of procuring for those noble Lords throughout the country, the name of "Friends of the Church;" and of enlisting on their side, all the clergy of the Church of Scotland, who had made their pulpits resound with the denunciation of those whom they supposed to be the enemies of and opposed to that Church. He would repeat, that such was not the meaning of his noble Friend, nor the sense in which his noble Friend's question ought to be received. The subject was one of a higher and of a graver nature; and ought to be considered with reference to its own great importance, and to the object which it had in view. It was a question of very great importance in itself, and with respect to the religious feelings of the people of Scotland. It was a question, also, of great importance with respect to its moral character. It was a question not only of importance with respect to Scotland, but of very great importance as considered with reference to England, and with reference to the whole empire. Because, however great the destitution of the means of religious instruction might appear to be, upon the authority of the Report before their Lordships, with respect to Edinburgh, or from any subsequent Report with respect to any other part of Scotland, it was also very well known, from documents of equal authority, and from inquiries made under the direction of the right rev. Prelate who presided over this metropolis, that a case of as great destitution, and of like inequality of the means of religious instruction, was to be furnished with reference to the people of England, as had been produced with respect to the people of Scotland. But, moreover, it was a question of very great importance with respect to the feelings which at the present time prevailed among the people. The noble Earl had stated, that there was sufficient evidence upon the face of this Report, and had characterised it in a manner from which he certainly did not altogether dissent, to show that there was a pretty strong controversy existing between what was called the voluntary principle, and the principle of an establishment. Indeed, the noble Earl had, with reference to this part of the subject, put his case rather less strongly than he might have done, because he seemed to consider that all Dissenters were the friends of the voluntary principle, but that was not true. He was himself a decided friend to a religious establishment; it was not, however, necessary to argue that question at present, because it was not before them. But he considered an establishment necessary for the religious and moral instruction of the people, and not only for the religious and moral instruction of the people, but for upholding and preserving a standard of religious truth and purity, and saving us from the dangers of enthusiasm and fanaticism on the one hand, and of infidelity on the other. Experience, however, had taught them that the best-devised measures had not always the effect expected from them. They knew that establishments had often received a serious blow and sustained great injury, and had even been subverted, by the very measures which had been intended, and which had seemed to be the most advantageous to them, and the best calculated to support and maintain them. When, therefore, they were called upon to give an accession of power and wealth to an establishment, it behoved them to take care that whatever step they adopted, should be wisely and prudently taken, and that it should not be calculated to defeat their own ends, and weaken instead of strengthening and confirming. The noble Earl had certainly very correctly stated, that the Commissioners were to report from time to time and that if it were thought fitting that any measures should be taken upon those partial reports, it undoubtedly was the intention that such measure should be adopted. But it was not, and could not be intended, when those partial reports were evidently imperfect, and when further inquiry was absolutely necessary with respect to other portions of Scotland, which might be in the same situation with those portions of the country to which such partial reports referred, that they should take any hasty, rash, and precipitate steps, and thereby bind themselves to follow up and apply the same principle in any case which might appear afterwards to be similar and analogous. He must acknowledge that he had not studied the report before their Lordships with so much care and attention as his noble Friend had done, but he had read it sufficiently to see very great reason why their Lordships should take time to consider what course ought to be pursued with respect to the matters it treated of. It certainly was an alarming fact, that there should be in the city of Edinburgh, so many persons who did not attend public worship at all. It was undoubtedly necessary to inquire to what cause that fact was to be attributed. It appeared that there were in Edinburgh 20,000 sittings unlet, 11,000 of which were in places of worship belonging to Dissenters, and 9,000 in places belonging to the Established Church. When their Lordships considered this fact, it must be perfectly obvious that at least

20,000 of those persons, who did not at present attend any place of public worship, might do so if they thought proper. He knew that there were reasons given for this apparent inconsistency, which might appear to some to have a great deal of weight and force, but the fact of rent having to be paid for the sittings was not one of those reasons, for there actually existed a prejudice in Scotland against free sittings. Dr. Chalmers stated this in his evidence, and declared that he himself did not approve of free sittings. Neither was it the high price of the sittings that was felt as a pressure, because some of the seats were let at an exceedingly low price, indeed it was stated that the low-priced seats let the worst. It was quite clear, then, that all these facts required great consideration, and much careful reasoning, before any steps were taken respecting them, lest they should take a step in a wrong direction, and defeat their own object rather than advance it. With respect to the questions which had been put to him by the noble Earl, he had no hesitation in saying that his Majesty's present Government were as anxious to carry the recommendation of the Commission to effect the objects the noble Earl had in view, and to encourage religion generally in that part of the country to which the Commission referred, and particularly to extend as far as was fair and just, the influence of the Church Establishment in Scotland, as the noble Earl could be, or any one of those who acted or thought with the noble Earl upon this question. His Majesty's Ministers were ready to take every step that was necessary for those objects, but undoubtedly he did not see how it was possible that they could safely, prudently, or wisely, take any single step on a report which related only to the city of Edinburgh. It appeared to him necessary, knowing what was the state of the city of Edinburgh, to know also what was the state of the other great and populous towns in Scotland. One thing would be absolutely necessary, before they could recommend anything like a grant of the public money, namely, to inquire very accurately whether there were not other resources and means at the disposition of the Government which ought to be applied in the first instance, before they had recourse to that which had been pronounced by a very high authority in the other House of Parliament, to be always a "very vulgar expedient," namely, a grant from the consolidated fund. A memorial had been addressed to him by persons who were not only well informed upon this subject, but who felt a warm interest in the welfare of the Church of Scotland. In that memorial he found matters referred to, which demanded the attention of those who were about to propose a practical measure on this subject. The memorialists did not pres me to point out what resources ought to be resorted to, but "they must (they stated) venture to mention one fund, the application of which to the uses of the Church of Scotland, appeared to them to be peculiarly appropriate. This fund consisted in the tithes and rents which belonged to, and were administered by, the Bishops of Scotland, prior to the revolution. On the abolition of episcopacy in Scotland, these tithes and rents were resumed, and, up to a recent period, had been administered by the Crown. The annual amount of these tithes and rents was 2,717*l.*, and the memorialists had reason to believe that, under a more economical arrangement, the annual proceeds would nearly satisfy all immediate demands." Before, therefore, the Government proposed to Parliament to grant a sum of the public money for the purpose advocated by the noble Earl, it would be necessary to inquire whether there was any foundation for the opinion expressed by the memorialists, that this sum would be sufficient to meet the object which the people of Scotland had in view. There was also another fund which it appeared more natural to resort to than to that "vulgar expedient"—a grant from the consolidated fund—he meant the unappropriated tithes in Scotland—the teinds for which the land in Scotland was still liable. This fund was a natural and tangible source to meet the necessities of the Church. Of course he knew it would be levying a tax upon the heritors of Scotland, to which they were not at present liable, but he had no doubt that their anxiety and zeal for religion would make them not only contented and satisfied, but anxious to render their contributions towards whatever would promote the welfare of that Church, the good of which they had so much at heart. But still it was the duty of Government to consider all these subjects very maturely, and obtain every information respecting them, and as the General Assembly was now sitting, there would be no indisposition on the part of the Government to make those inquiries which might expedite the course, which it was their anxious wish to take upon the subject. The noble Earl's second question was, whether his Majesty's Government intended to adopt any immediate legislative measure upon the report before their Lordships. Undoubtedly his Majesty's Ministers were not prepared to act upon that report, for the reasons which he had already stated, namely, because they were anxious not to establish a principle which they might not afterwards think proper to act upon. These were the general views which he en ertained upon this subject. The Government were as anxious to forward the object which the noble Earl had in view as much as possible, but they were of opinion that it was their duty to proceed with caution, because it was a question much larger, and more extensive in itself than one relating only to the city of Edinburgh, because it was one of very great delicacy and difficulty, and which ought not to be decided without very considerable caution; and finally, because they were not at present in possession of sufficient information to enable them at once to adopt any legislative measure on the subject.

The Earl of *Aberdeen* could not help expressing his regret at the very distant and uncertain prospect of any satisfactory measure being adopted by his Majesty's Ministers upon this subject. The noble Viscount had said that it was necessary to wait for the opinions of the Commissioners with respect to the state of religious instruction in other parts of Scotland before acting upon their recommendations with respect to the city of Edinburgh; but the composition of that commission was such, that though they might make a report upon statistical facts, he would defy the noble Viscount ever to get the expression of an opinion from them. The commission was so constructed as to make it quite impossible that they should ever agree in recommending any course whatever. At the time of the formation of the commission, two years ago, he recollected urging strongly upon the noble Viscount the inutility ofappo nting a commission of that description, because, if ever there were any subject upon which an unanimous opinion was entertained, it was upon the insufficiency of church accommodation in Scotland. No commission was required for obtaining any information which his Majesty's Government might not already have possessed. When the deputation from the Church of Scotland represented that such a commission as the one which was proposed to be appointed could only lead to interminable delay, they were met by the statement that the Commissioners would report from time to time. The object of that representation must have been to persuade those reverend persons that there would be no delay; and they no doubt thought that measures would be taken upon each case as it should be reported by the Commissioners. Therefore he thought it might be fairly stated that there was a want of good faith on the part of the Government to decline to act on these partial reports when thus made. That this was the course originally intended to be pursued might be collected from the concluding observations of the noble Lord, the Secretary of State for the Home Department, in his letter of instructions to the Commissioners, where he said, "I trust that in the course of six months the greater part of your task will be accomplished." He thought, from the experience which his noble Friend had had of the vitality of commissions, he ought not to have entertained any such expectation. This commission had lasted two years, at an expense of 20,000*l.*; so that while the Government were debating, and hesitating, and considering whether they would give a beggarly endowment to those churches which were already built, and the demand for which was so urgent, they were expending very nearly as much as the endowment would amount to. The noble Viscount had said, that further inquiry was necessary to ascertain whether the Crown was in possession of certain funds which might be rendered available in this matter. If there were any such funds, in no way could they be better employed. But what had the Commissioners been about all this while? In one week all the information required by the noble Viscount as to the Crown property might have been furnished. The noble Viscount had talked about applying certain teinds to the purposes of the church; but it was clear that the noble Viscount did not understand the nature of the property of which he spoke. It was neither more nor less than a proposal to apply a tax to any gentleman's estate in the kingdom, which was just as liable to be appropriated by the noble Viscount as those teinds. The teinds were certainly liable to be called upon for the support of a single minister of the parish, but beyond that they formed as much a part of the private estate of the heritor as any other portion of his property. If the noble Viscount had not thrown this out somewhat hastily, and rather as an *obiter dictum*, he should say that it was calculated to excite much alarm among the proprietors of Scotland. However, he presumed that the noble Viscount did not speak with a full knowledge of facts. If the noble Viscount were prepared to act on a partial report, which must have been the original intention of the Government, he never could have one more complete than that which embraced the case of Edinburgh and its neighbourhood. If the noble Viscount declined to act upon this report, it was clear that it was not intended to act at all until the whole inquiry was concluded, and that was calculated to excite suspicion as to the motive for appointing the commission, and to induce the belief that it was only intended to set aside a pressing difficulty of the moment. He would recommend to the noble Viscount, if it were his wish to do anything to increase the efficiency of the established Church in Scotland not to shrink from the attempt from an unworthy apprehension, which he had no cause to entertain, of the effect of any measure which the report on the table would justify. The noble Viscount had said, that they must take care and not set a bad precedent; but had they not already set a precedent by making grants in support of the Church of England? Had they not voted 100,000*l.* a year for many years, without opposition, for the purpose of augmenting the Church Establishment in England? But the noble Viscount contended that further inquiry was necessary. He (the Earl of Aberdeen) hoped the noble Viscount did not put this forward as a pretence for delay. The destitution of the Church of Scotland being known, it would be very hard if, under the guise of taking time to make further inquiries, a grant for the purpose of removing that destitution should be denied.

The Earl of *Roseberry* was quite willing to afford assistance to the Church of Scotland by a grant of the public money, if it should be made to appear that the destitution which existed could not otherwise be remedied; but he trusted that his Majesty's Government would not suffer themselves to be hurried into a decision in favour of such a step by any observations that had been made by the two noble Earls who had addressed their Lordships. Would it be fair or wise, having only information with respect to one city in the kingdom, and that not the largest, to proceed to lay down a principle which they would be bound to apply to every other town in Scotland? If they were to do so they might be adopting a precedent the existence of which they might afterwards lament; and instead of supporting and advancing the object they had in view—namely, the welfare of the established Church — they might, in the present fevered state of the public mind in that country, materially deteriorate its condition. Upon these grounds he hoped that the Government and Parliament would not come to a premature decision, but would wait until they had full information, and could see clearly what ultimate measure ought to be adopted.

The Earl of *Haddington*, in explanation, said, that with respect to the vacancy which had occurred in the representation of a populous town in Scotland, he begged to assure the noble Viscount that it had been his intention to bring forward this question long before that vacancy took place. As to the fact of the General Assembly of the Church of Scotland being sitting, he was willing to admit that that circumstance had had great influence with him in calling the attention of the noble Viscount to this matter, because he certainly thought that so important a body as the General Assembly ought to know what were the intentions of the Government with respect to this subject.

Subject dropped.

HOUSE OF COMMONS,

Friday, May 19, 1837.

MINUTES.] Bills. Read a first time:—Final Registry of Electors; and Summary Conviction of Juvenile Offenders.—Read a second time:—Registration and Marriages Acts Amendment.—Read a third time:—Concealment of Births; Wills; Highway-rates; and Turnpike Roads Act (Ireland).

TRAVELLING ON THE SABBATH.] Mr. *Dunlop* moved the third reading of the Glasgow and Ayr Railway Bill.

Dr. *Bowring* considered the House bound, in justice and consistency, to reject a clause which had been introduced into this Bill, prohibiting travelling on the Lord's-day.

Mr. *Dunlop* had letters from all quarters of the country in the vicinity of the railway approving of the clause, and it was not fair for hon. Gentlemen to oppose it, simply in order to carry forward a speculative opinion of their own. He had been twitted by the hon. Member for Bath with using pounds-shillings-and-pence arguments on a former occasion, but he had done so, because he considered such arguments would have more weight with that hon. Member, and those with whom he acted, than any others he could have used. But travelling on Sunday was hostile to the feelings of the people of Scotland, and was there any justice or any wisdom in violating the prejudices of a whole people? This rail-road was an undertaking in opposition to all the coaches and other carriages passing in the same direction, and by the old law those carriages were prevented from travelling on Sunday. If, then, the clause was omitted, a great injustice would be done to those persons to whom those carriages belonged; and he therefore hoped, that as the clause had received the approbation of the people of Scotland, and as its omission would be an act of injustice to many, the House would not reject it.

Lord *John Stuart* said, the clause had only been carried in the Committee by a majority of one. He had then opposed it, as he considered its insertion an act of gross injustice, and peculiarly injurious to the poor, and he trusted the House would now reject it altogether.

Sir *Andrew Agnew* had received petitions from the constituents of almost every Member in the House in favour of the principle on which the clause was founded. These petitions expressed a strong feeling on the subject, and the rejection of the clause would alarm the prejudices of the people of Scotland, who were most strongly opposed to travelling on the Lord's-day.

Mr. *Wakley* asked, did the hon. Member for Wigtonshire believe that he could, by an Act of Parliament, make the people more moral? The idea was an insult to the religion which they professed; and the clause could only be considered as levelled against the working classes, who were to be prevented from travelling by means of this great improvement on the former mode of conveyance. The hon. Baronet could not prevent the people from using their feet, and there would be no use in preventing them from travelling by a railroad. Beasts might be tortured in carriages on the Sabbath, but this quiet mode of conveyance was to be denied.

Mr. *Finch* said, that if the arguments of the hon. Member for Finsbury were good for anything, they went to establish that there was no necessity for statutes of any kind for the prevention of crime. The hon. Gentleman had said, that the clause was directed against the poor, but its object was to give them one day's rest in seven; and he could assure the House that nothing would more irritate the feelings of the people of Scotland than the omission of the clause.

Mr. *Roebuck* said, that there had been so many appeals on the subject, that it was highly necessary that they should be understood. First, an hon. Member had got up and insinuated that which he knew it would be unparliamentary to state openly. The insinuation of the hon. Member for Ayrshire with respect to his (Mr. Roebuck's) religion, was totally uncalled for. What was the meaning of that insinuation? A man of high feeling, of Christian charity, of common honesty, would not make an insinuation when he dared not make a direct assertion.

The *Speaker* thought the hon. Member must feel that he was using language not quite Parliamentary.

Mr. *Roebuck:* I bow to your decision, Sir. The language was too strong for this House; but it was called for by an insinuation that ought not to have been made in it. Those, continued the hon. Member, who opposed this clause in a Railroad Act, were said, by insinuation, not to have a proper reverence for the Christian religion—that was the meaning of the insinuation. Now, he asserted distinctly and broadly, that the Christian religion had nothing whatever to do with the Sabbath. The Sabbath Day was the Saturday kept by the Jewish religionist; and the Sunday, which had no reference to the 4th Commandment, was not contemplated at all by the 4th Commandment. The Sunday was an ordinance that had grown up by mere custom. He held in his hand, and he was determined to push this question to the utmost, a tract written by Archbishop Whateley, who quoted Archbishop Cranmer. He hoped that was authority enough for Gentlemen opposite. Now, what said Archbishop Cranmer:—"Know ye not, good children, that the Jews in the Old Testament were commanded to keep the Sabbath Day, and they observed every seventh day, called the Sabbath, or Saturday; but we Christian men in the New Testament are not bound by such commandments of Moses's law concerning differences of times, days, and weeks, but have liberty and freedom to use other days for our Sabbath days, thereon to hear the word of God and keep holy rest; and therefore the Christian liberty may be kept and maintained. We now keep no more the Sabbath on Saturday, as the Jews do, but we observe the Sunday, and certain other days, as the magistrates do judge convenient, whom in this thing we must obey." What was the meaning of that assertion? Why, that the 4th Commandment, like the other portion of the Jewish law, was abrogated by the Christian creed, and was no law for us. Archbishop Whateley, no ordinary authority, distinctly laid down that rule, and said that, on the Sunday—which was a mere day of commemoration, and not ordained, not commanded in any way by the Christian religion—we keep our holy rest. Now, he would go somewhat farther. He wanted to know by what rule and by what Christian guide those men were led who insinuated those individuals were not Christians who opposed the introduction of such a clause into a Bill of this kind. He held in his hand the code of the Christian faith, and he would quote that reverend book, and he would from it take his rule and his Christian charity. He was about to read, with all due deference, a portion of St. Paul's Epistle to the Romans. In the 14th chapter of that epistle, St. Paul spoke thus—"Him that is weak in the faith receive ye, but not to doubtful disputation. For one believeth that he may eat all things, and those who were weak, eateth herbs. Let not him that eateth despise him that eateth not; and let not him which eateth not, judge him that eateth, for God hath received him. Who art thou that judgeth another man's servant? To his own master he standeth or falleth. Yea, he shall be holden up, for God is able to make him stand. One man esteemeth one day above another; another esteemeth every day alike. Let every man be fully persuaded in his own mind. He that regardeth the day regardeth it unto the Lord, and he that regardeth not the day, to the Lord he doth not regard it. He that eateth, eateth to the Lord, for he giveth God thanks; and he that eateth not to the Lord, he eateth not, and giveth not God thanks." Another verse was this:—"But why dost thou judge thy brother? or why dost thou set at nought thy brother, for we shall all stand before the judgment seat of Christ; for it is written, as I live, saith the Lord, every knee shall bow to me, and every tongue confess to God. So, then, every one of us shall give account of himself to God. Let us not, therefore, judge one another any more; but judge this rather, that no man put a stumbling-block or an occasion to fall in his brother's way." Again, "Let us, therefore, follow after the things which make for peace, and things wherewith one may edify one another. For meat destroy not the word of God; all things indeed are pure; but it is evil for that man which eateth for offence. It is good neither to eat flesh nor to drink wine, nor anything wherewith thy brother stumbleth, or is offended, or is made weak." He would read one verse more, and then have done. "Let us, therefore, not judge one another any more, but judge this rather, that no man put a stumbling-block, or an occasion to fall, in his brother's way." That was his rule. He would say that, no particular day having been specified, it was not the duty of the Legislature to interfere and enjoin the observance of any given day, and thereby "put a stumbling-block in their brother's way." In his opinion it savoured more of Christian charity; and, above all, of Christian humility, for every man to take care of his own conduct, to square his rule for himself, but not in any arrogance of special command to compel another to do that which he would be unwilling to do himself. Who, he would ask, had set the hon. Members on the other side up as judges of this question? He saw nothing to distinguish them from other men—at least nothing of excellence. But the hon. Member for Ayrshire had said the people of Scotland liked the clause, and he would ask if the law commanded them to travel on the Sunday? Was there anything in the Act of Parliament to insist upon their going upon the railway on that day? Were they not able to show their peculiar faith by staying at home? Why did they not begin nearer at home if such enactments were to be carried? Why not stop the Greenwich railway or the Greenwich steamers? They dared not. It was well known that to do so was absolutely beyond the power of Parliament. He respected the people of Scotland, but he did not admire their manner of keeping the Sabbath. He would again assert, that any ascetic observance of the Sabbath was unwise, and that forcing the conscience of any man was not only unwise, but unjust. The people of Scotland would not be injured by the rejection of the clause—it still left them their now uncontrolled will in the worship of God according to their consciences, and they should, therefore, abstain from uncharitably forcing the consciences of others.

Mr. *Labouchere* hoped the House would not suffer itself to be drawn into a theological discussion, as if there was one place more unfit than another for such a discussion, that place was a popular assembly. Although there had hitherto been nothing said by hon. Gentlemen on either side calculated to give personal offence, he, nevertheless, thought it was desirable that the matter should not proceed further. If he should see any Bill brought in, having for its object the prevention of compulsory labour on the Sabbath by those who conscientiously objected to work on that day, he was prepared to say he would not offer any opposition to it; but, as he considered that the tendency of the clause under the consideration of the House would be to alienate the respect of the people of Scotland from their English neighbours, he felt himself bound to vote against its insertion in the Bill.

Sir *Robert Inglis* said, that although many persons professing the Christian religion differed in opinion with regard to the divine obligation of keeping holy one day in seven, yet he believed the most lax theologians were agreed in allowing those to observe it who chose to do so. The arguments made use of by the hon. and learned Member for Bath ought to induce him to bring forward some measure, not only for the repeal of the Act of Charles 2nd, but all other laws which had been enacted upon the subject.

Colonel *Thompson* would recant everything he had ever said upon the question, if hon. Gentlemen opposite would produce a shadow of authority or precedent from the book in which they professed to refer as a rule. He happened to be able to enumerate all the instances in which the subject was at all mentioned; or if he was wrong, he was open to correction. It was commemorated that Paul preached on the first day of the week, and that the disciples broke bread. Was there the slightest evidence of a wish to hinder any man from doing the like? It was stated that on the first day of the week the early Christians made a collection for charitable purposes. Was there any thing in the omission of the clause, to interfere with the power of doing this? And it was further stated, in an abstruse and mystical book, that an apostle was "in the Spirit on the Lord's-day." Was there the slightest tendency to interfere with the right of private judgment on this point either? These were positively the only ways in which the subject was ever mentioned, and upon such grounds did hon. Gentlemen opposite claim to shut our railroads. There was no use in saying the clause was only to extend to Ayrshire; if there was any doubt of what was intended yesterday, there was none to-day. Among the papers of the House was the Bill which it was proposed to extend to England. The preamble ran, Forasmuch as nothing is more acceptable to God than the true and sincere worship and service of Him according to His holy will, and "that the holy keeping of the Lord's-day is a principal part of the true service of God." Suppose a Catholic Member had brought in a Bill stating "that the practice of auricular confession is a principal part of the true service of God," would not hon. Gentlemen have seen that this was a begging of the question? Members on his side of the House, by the same right by which their fathers resisted the one proposition, resisted the other. They stood here to maintain that it was a mere wilful imposition of man's invention, without a shadow of authority from the book professed to be appealed to; which was a great deal more than could be said of auricular confession. There was another reason against the course adopted by the other side. It was setting up a false and fictitious standard of morality, and entailing on the country all those evils which were the consequences. We were continually told, that all men who came to be hanged, confessed to having begun with Sabbath-breaking. He had no doubt that in Mahommedan countries, all men who, by their crimes, were brought to the punishment of impalement, confessed to having began with breaking the fast of Ramazan. Burthens were laid on men too heavy to be borne, and thus an artificial crime was created in men's minds, and their consciences, accustomed once to break through the artificial bound, proceeded rapidly to break through others. Was this the way to legislate for public morality? He hoped the House would show its sense of such proceedings, by resisting the attempt to establish an arbitrary and fictitious imposition.

Lord *John Russell* thought the House was going beyond its usual line in attempting to prohibit travelling on a particular railroad on the Sabbath, while it was allowed on all the turnpike roads in England and Scotland. He did not think the House was prepared to go the length this clause contemplated; but if it was, the question ought certainly not to be brought forward in a way which affected a particular railway. The fairer way would be to make it a separate and distinct question. For these reasons he should vote against the retention of the clause.

The *Attorney-General* said, the clause amounted to an absolute prohibition of travelling at any hour on Sunday in Scotland; and although he disapproved of many of the arguments of the hon. and learned Member for Bath, he felt the clause to be most unnecessary.

The House divided on the retention of the clause: Ayes 83; Noes 115: Majority 32.

List of the AYES.

Alsager, Captain
Arbuthnott, hon. H.
Ashley, Viscount
Attwood, M.
Balfour, T.
Baring, H. Bingham
Baring, W. B.
Bateson, Sir R.
Beckett, Sir J.
Bonham, R. Francis
Broadwood, H.
Bruce, C. L. C.
Buxton, T. F.
Cartwright, W. R.
Chisholm, A. W.
Clerk, Sir G.
Clive, Viscount
Compton, H. C.
Crewe, Sir G., Bart.
Estcourt, T. G.
Fector, J. M.
Feilden, W.
Finch, George
Fitzroy, H.
Foley, Edw. Thomas
Forster, Charles S.
Glynne, Sir S. R.
Gordon, hon. W.
Goulburn, H.
Goulburn, Sergeant
Greene, T.
Grey, Sir G.
Grimston, Viscount
Halse, James
Hamilton, Lord C.
Handley, Henry
Hardinge, Sir H.
Hardy, J.
Hastie, A.
Hope, hon. James
Houldsworth, T.
Houstoun, G.
Hughes, Hughes
Inglis, Sir R. H.
Jackson, Sergeant
Johnstone, J. J. H.
Jones, Wilson
Lefroy, Anthony
Lennox, Lord Arthur
Lygon, hon. Gen.
Mackenzie, T.
Maclean, Donald
Maule, hon. F.
Maxwell, John
Mordaunt, Sir J., Bt.
Mosley, Sir O., Bart.
Palmer, George
Patten, John Wilson
Perceval, Colonel
Plumptre, J. P.
Polhill, Captain F.
Pringle, A.
Richards, John
Richards, Richard
Ross, Charles
Rushbrooke, Colonel
Sandon, Viscount
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir George
Somerset, Lord G.
Stanley, Edward
Stormont, Viscount
Sturt, Henry Charles
Verner, Colonel
Vesey, hon. T.
Vivian, J. E.
Welby, G. E.
Wilbraham, hon. B.
Wilks, John
Wilson, Henry
Wodehouse, E.
Wyndham, Wadham

TELLERS.
Agnew, Sir A.
Dunlop, J.

List of the NOES.

Aglionby, H. A.
Angerstein, John
Anson, Colonel
Bagshaw, John
Baines, E.
Ball, N.
Barclay, D.
Barnard, E. G.
Barron, H. W.
Belfast, Earl of
Bentinck, Lord W.
Berkeley, hon. C. C.
Blake, M. J.
Blunt, Sir C.
Bowes, John
Bridgman, H.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Buller, Charles
Buller, E.
Bulwer, Edward L.
Butler, hon. Pierce
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Clay, W.
Clive, Edward Bolton
Codrington, Sir E.
Colborne, N. W. R.
Crawford, W. S.
Crawford, W.
Denison, John E.
Denistoun, A.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, J. D.
Ellice, E.
Elphinstone, H.
Evans, G.
Ewart, W.
Fazakerly, J. N.
Ferguson, Sir R.
Fitzsimon, Christopher
Fort, John
Grate, G.
Gully, John
Hawes, B.
Hawkins, J. H.
Hay, Sir A. Leith
Hobhouse, Sir J. C.
Howick, Viscount
Hume, J.
Hutt, W.
Jervis, John
Labouchere, H.
Lennox, Lord G.
Leveson, Lord
Lowther, J. H.
Lynch, A. H.
Mangles, J.
Marsland, Henry
Methuen, Paul
Molesworth, Sir W.
Morrison, J.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
Oliphant, L.
Ord, W. H.
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Philips, M.
Potter, R.
Roebuck, John A.
Rolfe, Sir R.
Russell, Lord John
Ruthven, E.
Sanford, E. A.
Seymour, Lord
Smith, R. V.
Stuart, Lord J.
Strangways, hon. J.
Strutt, E.
Talbot, J. Hyacinth
Talfourd, Sergeant
Thompson, Colonel
Thornley, Thomas
Trelawney, Sir W.
Tulk, C. A.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H.
Wall, C. B.
Warburton, H.
Ward, Henry George
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Whalley, Sir S.
White, Samuel
Wilbraham, G.
Williams, W.
Williams, Sir J.
Williamson, Sir H.
Wortley, hon. J.
Woulfe, Sergeant
Wrottesley, Sir J., Bt.
Young, G. F.

TELLERS.
Wakley, T.
Bowring, Dr.

Clause rejected.

Bill read a third time.

Business of the House.] Mr. *Roebuck* hoped the noble Lord would state how he intended for the future to carry on the Government business. Would it not be much the better way to take one bill and go through with it.

Lord *J. Russell* apprehended that the course proposed by the hon. Member would be a very inconvenient one for the House to adopt. He thought it most desirable for the House, both as a deliberative assembly, and more especially as an assembly representing the people, that when a bill was once introduced, particularly if a bill of any importance, time should be allowed for its becoming generally known to the country before it was carried through its later stages. Important modifications and changes were made in almost every Bill from the information derived from bodies of the people, or from individuals, after the circulation of the bill. It might be very desirable for the House, immediately after deciding on the principle of a bill, to go into Committee upon it, but it would be highly objectionable for the House, after the bill had gone through a Committee, to proceed at once to the third reading. It was essential that some time should elapse after a committee on a bill and the receiving of the report, in order that the country might be aware of the alterations made in it in committee.

Mr. *O'Connell* said, that the House should adopt the natural hours of doing business. They were the only legislative body which turned the night into day. Although the practice might give the younger orators an opportunity for display, it killed those who exceeded the age of sixty. He had heard it argued that such hours were necessary for the sake of Members connected with commerce. That could only be true of such among them as resided in London, for others were enabled to leave the towns in which they lived and their business too. With regard to members of the bar, he would say that the practice might be beneficial to a few gentlemen in extensive practice, such as the Attorney-General; but the Irish barristers left their business and their country to attend their duties.

Conversation dropped.

Capital Punishments.] The Order of the Day being read for a Committee on the Bill for abolishing the punishment of death in certain cases,

Mr. *Ewart* said, that he had given notice of a motion for the purpose of extending a mitigation of capital punishment to all cases less than the crime of murder. Having been one of those who during a series of years had taken a deep interest in all that concerned the national character and the national habits, he had paid much attention to this subject. In the present state of society the punishment of death might be abolished altogether. He was sorry to say, however, that the law of this country had long been in a barbarous state with reference to capital punishments. In other countries there was less capital punishment than here. In France and Prussia, where the united inhabitants amounted to 50,000,000, in the year 1834 there were but seventeen executions, whereas in the same year in England and Wales, with a population of only 15,000,000, there had been thirty-four executions. The effect of the rarity of executions was not injurious. Crimes had diminished with the decrease of executions. The returns from France for the last five, as compared with the five preceding years, showed a diminution of persons committed for trial in the proportion of three to two. In Belgium, for the years ending with 1829, the executions had been seventeen and the trials for capital offences forty-five, but since that period a great dislike had been manifested by the people of that country against the frequency of capital punishment, and for the four years ending 1834, the returns were, executions none, trials forty-one, which so far from an increase, showed a positive decrease of crime. He need not call the attention of the House to the many cases in which capital punishment had been abolished in our own country since 1829. He was glad that we had now no more of the detestable exhibitions of hanging in chains, and that we looked more to refining the habits of the people. But he would ask whether society was less secure now than it was before 1829? We had been told, indeed, that, some few crimes had increased, and among them that of stealing sheep. But the amount of crime on the whole since 1829 was on the decrease. There had been a slight decrease in the last year only, but on looking back to a period of years we found a diminished amount, and since 1833 the decrease in the number of crimes amounted to twelve per cent. He perceived that his hon. Friend, the Member for Lincolnshire (Mr. Handley), had given notice of a motion for retaining the punishment of death in cases of burning agricultural produce. He wished to know why agricultural produce was to be guarded with greater rigour than any other property? It might be said that the particular species of crime had increased, but he contended that in a case of this vast importance we ought to look to general and not to merely temporary or local results. If they referred to the returns, they would find that the increase of crime was confined to offences against property, for as society advanced and property accumulated, the temptation and the facilities for abstracting it increased. Crimes against the person, however, had diminished. He was aware that the noble Lord only proposed to retain the punishment of death for certain offences against the person, and to abolish it in the instances of offences against property. He (Mr. Ewart) could not agree with the noble Lord in thinking this limitation satisfactory. The noble Lord could only proceed on the principle of wishing to render punishment certain, and he was sure that if the noble Lord continued the punishment of death in any case but murder, the difference between the verdicts of the juries and the words of the law would be as great as it is now. The crimes to which the noble Lord still proposed to continue the punishment of death had long ago ceased to be capitally punished in Prussia, Belgium, France, and Austria. The Code Napoleon certainly retained it in cases of burglary, though with very considerable limitations, but in 1832, capital punishment for burglary was abolished in France, and this alteration in the law was not attended by any bad consequences, but had met with the approbation of the country, and he believed of the law officers of the crown. in France the jury had the power of recommending a mitigation of capital punishment in particular cases; he knew that the noble Lord objected to investing juries with that power, although he himself did not see the force of those objections. The noble Lord retained capital punishment in eight cases. He knew that there was a very strong opinion entertained with respect to the propriety of inflicting the punishment of death in cases of rape. But in all the places to which he had referred, the punishment of death was not inflicted for the commission of that crime, and this lenity in the law was not found to be attended by any bad consequences. The crime was so difficult and so uncertain of proof, that there was the greatest difficulty in bringing the jury to convict, but if the punishment of death were taken away, he trusted that the same obstacles would not exist. Then, as to infamous offences, it had not been found that this species of crime, punishable as it was with death in this country, was visited by a certainty of punishment. In the countries, however, to which he had referred, they left persons convicted of those offences to suffer a long term of imprisonment, and to the powerful verdict of overwhelming popular opinion against them. Another reason why murder only should be punished with death was, that by the continuance of capital punishment in other cases an inducement was given to a criminal to put an end to the testimony against him by the absolute destruction of the person he had robbed. The robber would feel while he plundered his victim the strong temptation which the law put in his way to remove him altogether, and thus get rid of one chance of detection; while if the punishment of death for the offence were abolished, it would be an inducement to him to spare his life. It might be asked what substitute he should be willing to propose for the punishment of death. In all countries it was admitted that imprisonment for life was a much greater punishment than death itself. It was more enduring, and the invaluable testimony of Mr. Alderman Harmer before the Criminal Law Commissioners went to show, that in the opinions of criminals themselves imprisonment for life was a heavier punishment than death. The Legislature ought not to pronounce a punishment which could not be carried into execution, nor should a punishment which was irrevocable be decreed by any but an infallible judgment. Neither ought the people to be habituated to scenes of blood and he could appeal in testimony of that opinion to the late exhibitions which had taken place, which probably sent away more criminals than went there. People went there smoking their pipes, and indulging in language most inappropriate to an occasion so solemn. In conformity with the dictates of humanity, no less than with those of sound policy, several despotic countries had diminished the number of capital punishments. Russia had mitigated the severity of her code very much of late years. In Tuscany more than fifty years ago the number of capital crimes had been much diminished. In Austria capital punishment was now only permitted to a certain extent; and should England, the freest country in the world, refuse to follow such an example, especially after the adoption of it had been found to produce the very best effects in the United States? The same results had also been produced in barbarous countries, wherever an effort had been made to mitigate the severity of their law. This had been the case in Morocco. It had also been the case in India, where, under the auspices of the late Sir James Mackintosh, and of the present Sir Charles Metcalf, a milder code had been introduced, which had at once refined the barbarism and improved the morality of the people committed to their care. He therefore called upon the House to extend the mitigatory provisions of the noble Lord's Bill to all cases short of actual murder; and in making his present motion he had the consolitary conviction of knowing that he was but responding to the general feelings of the country at large. He concluded by moving as an amendment that it be an instruction to the Committee on this Bill to abolish capital punishment in all cases save those of actual murder.

Mr. *Hume* seconded the amendment, and observed, that the executions which had recently taken place in the metropolis and in Glocester had a tendency to entice individuals to the commission of crime rather than to deter them from it. He was inclined to go further than his hon. Friend the Member for Liverpool was inclined to go on this subject. He had come to the conclusion that the law ought not to execute anybody. In a visit which he had made to the prison of Ghent he had seen 980 individuals all sentenced to capital punishment, but all underg ing a commuted punishment; and he had been informed by the governor of the prison, who was an old military officer, that he had found that the diminution of the number of capital punishments in Belgium had mitigated the ferocity and diminished the amount of crime in that country.

Lord *John Russell* was very unwilling to enter upon this discussion, because both the hon. Member for Liverpool who moved, and the hon. Member for Middlesex who seconded, this amendment, had treated the proposition which he had laid before the House, as if he had called upon it to increase rather than to diminish the number of capital punishments. The proposition, which he had laid before the House was for the decrease of the number of capital punishments; for of thirty-seven offences which were now capital, twenty-one were made capital no longer by his bill, whilst in the sixteen other cases circumstances were stated under which the capital punishment would be much restricted. He made his proposition in that shape, because he considered that it was more likely, when so framed, to carry with it public opinion, and so mitigate the severity of the law, than it would be if he had made it in the still more mitigated form proposed by the hon. Member for Liverpool. The hon. Member had hardly disguised from the House what his object was; indeed, his argument had gone to the full length of asserting the necessity of abolishing capital punishment altogether. The hon. Member for Middlesex had been still more frank; for he confessed at once that such was the object which he had in view. The two cases to which his hon. Friend had alluded—namely, that of the late execution in the metropolis and that of the execution at Gloucester—were both cases of execution for murder, and for murder of the most aggravated description, in which no sympathy could possibly be excited so as to throw its colours over the fate of the offenders. In such cases his hon. Friend contended that there should be no capital punishment. He must say, that he thought the Legislature of the country would not be acting in accordance with the general sentiments of its inhabitants, if it acceded to a proposition which abolished the punishment of death in case of murder. He believed that if Parliament were to pass a law abolishing capital punishment altogether, and if offenders whose crimes excited the abhorrence of the public were not to be capitally punished, there would be a reaction of public opinion in favour of capital punishments. Parliament would be compelled to retrace its steps, and offences which were now no longer capital would again be capitally punished. Such a revulsion of public feeling would be a great misfortune. He thought that the taking away of capital punishment from all offences which were offences against property and the continuation of it in all cases where an atrocious offence was committed against life or person,—he thought, he repeated, that that was a manner by which public feeling would be conciliated, by which juries would be led to convict offenders, and by which public opinion would be made more in accordance with the due execution of the law. With regard to what had been said on the religious, and philosophical, and practical bearings of the question as stated by the hon. Member for Liverpool, he would only say for the present that he declined to enter upon those topics; but it appeared to him that the hon. Member would have a fairer chance of accomplishing his own object by accepting the proposition which was then before the House, and by leaving his own views to work their way in accordance with public opinion, than he would have by proposing at present the abolition of the punishment of death altogether. It was quite another question whether in the present Bill the Government was proceeding too far, or not far enough. He was of opinion that they ought not to abolish capital punishments. The hon. Member for Liverpool, in the course of his speech, had quoted the example of other countries, but he must say, that with the exception of Belgium he did not think that capital punishment had been abolished in any of them on any extensive scale. During the last year there had been fifteen cases of capital punishment in France, even with the power which the jury had of doing away with the capital part of the offence by bringing in a verdict of "guilty with attenuating circumstances." During the last year the total number of persons executed in all the counties of England and Wales was seventeen. He was quite aware that the hon. Member for Liverpool meant nothing unfair to his Majesty's Government, but he had dealt out rather hard measure to it when he mentioned that thirty persons had been executed in one year about three years ago, when the number last year was only seventeen, and when it was not likely to exceed seventeen persons this year, even if it reached so high. He would not address the House further upon this subject; it was one which ought rather to be left to the discussion of public writers, and to the effect of popular opinion in future times. What he now proposed to do was to make the law in accordance with the feelings of the public at large and with the opinions of the judges who were now charged with the administration of it. The best course therefore, which he could take, was to meet the spirit of our law, and the humanity of the country. One word more, and he had done. With respect to the late executions and the scenes which had then occurred, he agreed in most of the observations which had been made upon them, though he must say that great exaggerations on that subject had appeared in the newspapers. Those scenes excited in his mind the same feelings of disgust which they appeared to have excited in the minds of other hon. Members. They were not, however, the effects of the executions—they were owing to the want of sufficient religious and moral instruction in the people who witnessed them. He was sure that, if his two hon. Friends, the hon. Members for Liverpool and Middlesex, had attended those executions, their feelings would have been very different from those of the multitude which witnessed them. In conclusion, he repeated that it was not the immediate consequences of the execution which had produced the spectacles they so much deplored, but the want of sound, moral, and religious instruction among the people.

Mr. *Fowel Buxton* returned his sincere thanks to the noble Lord and to his Majesty's Government for what they had done towards mitigating the severity of our criminal code. The House was then assembled for the purpose of discussing this question, whether, the last remnant of the sanguinary code of this country regarding the crime of forgery should be abolished altogether. In the whole course of the noble Lord's speech he had not observed a single argument in support of the necessity of inflicting capital punishment in those cases where murder had not been committed. He was sure that the House, or, if not the House, his hon. and learned Friend near him, the Member for the Tower Hamlets (Dr. Lushington), would recollect the time when it was held that none but a visionary or an enthusiast could suppose that the security of property would be increased by mitigating the punishment inflicted on those who violated the law respecting it. That doctrine once held so wild and fantastical, was now proved to be accurate and sound by practical demonstration. He was not afraid of any revulsion of public feeling in case the law was still further mitigated. Two experiments respecting forgery had been tried. The one was the proces of diminishing that crime by rigour, and the other by mitigation. In the first instance all persons convicted of forgery were treated with Bow-street mercy, not a single wretch being allowed to escape. At one assizes no fewer than nine persons were found guilty of this offence, and every one of them was put to death. In the metropolis alone, twenty years ago, a greater number of persons were executed for forgery than for all other offences, throughout England and Wales; but did this inexorable severity put down the offence? It was well known that it did not. It was, however, impossible to go on with this wholesale slaughter of victims, and consequently, in nineteen cases out of twenty the capital punishment was not inflicted. It had been said in opposition to those who advocated the abolition of capital punishment in cases of forgery that the inevitable effect of such a step would be the destruction of trade and commerce; but he would defy any one now to say that either had been injured by the mitigation which had taken place. He could not help saying that all such predictions were sheer nonsense and folly, and this he could prove by a reference to the last three years. In 1833 the number of convictions for forgery was 213, while in the last year it did not exceed 179. This, he thought, was conclusive in favour of the abolition of the capital punishment, the more especially as all other descriptions of crime had, during the same period, rather increased than diminished. While the capital punishment was inflicted there was a reluctance to prosecute. But now that was not the case; and what was the consequence? Why, that the law was put vigorously in force in almost all cases, and that the number of offenders had greatly decreased. Being persuaded that the removal of the extreme penalty of the law would be advantageous in every point of view, not only with regard to forgery, but all other offences, he certainly should give his support to the motion of his hon. Friend the Member for Liverpool.

Mr. *Brotherton* considered the punishment of death not only contrary to sound policy but opposed to the principles of true religion and right reason. By the divine law no human tribunal was, in his opinion justified in taking away the life of a man for any crime whatsoever, and he could, if it were necessary, adduce reasons to justify the view which he took on this subject. He admitted that the only way to benefit the people was by giving them proper moral and religious instruction, but he could not believe that any good could be derived from a barbarous system of punishment, which tended rather to encourage than to repress crime. The part of the criminal code of this country which related to capital punishment was against the divine creed, and he, well knowing that he could demonstrate this, should give his vote for the amendment.

Dr. *Bowring* wished to have the punishment of death abolished in all cases: for he was convinced that the spectacle of an execution depraved the mind more than it deterred from the commission of crime. There were parts of Italy in which the punishment of death was very rarely inflicted, and other parts in which it was frequently and rigorously exacted. Tuscany, where death was seldom inflicted, had purer morals and a more virtuous population than any other portion of Italy. He looked upon the desire for severe punishments as nothing else than a desire for vengeance, and the most humane laws were those which were the most efficient for the prevention of crime. Holland was the first country which tried the experiment of diminishing the punishment of forgery. The experiment had been in every way successful in that country, and the success of a similar experiment in England ought to encourage them to proceed further in the path on which they had entered under such excellent auspices.

Mr. *Roebuck* wished to guard himself from erroneous impressions in the support which he was about to give to the amendment proposed by the hon. Member for Liverpool. The exception which it contained justified, or appeared to justify, the infliction of capital punishment in cases of murder. To that part of the amendment he could not agree. The prevention of the offence, not the torture of the offender, was the object of punishment. Now, the prevention of crime was only to be attained in three ways. First, you might instruct your people so as to induce them not to commit crime. Secondly, you might have a police so regulated as to prevent them from committing it. And thirdly, you might have punishments to repress it when it had been committed. He hoped, nay, he was sure, that the noble Lord thought that there was something beyond the mere punishment of the criminal. In order to prevent the people from committing crime, the Legislature ought to educate them. Until we had done that, every pain we inflicted was a stain upon ourselves. He supported, then, the principle of this motion, but he regretted that it did not go far enough.

Mr. *O'Connell* fully concurred in what had fallen from the hon. Member who last addressed the House. He would go to the full length of abolishing the punishment of death in all and every case, not even excepting that of murder. No man, or society of men, had the right to take away life. The experience of the past would justify the Legislature in taking the course now proposed, for public opinion had gone fully with them in all the improvements they had made by a mitigation of the severity of our criminal code. Look at the press at all sides, and in every part of the country, and it was in favour of a still farther extension of clemency in our criminal code. He had only one other remark to make—with reference to what had been said by the noble Lord, the Secretary for the Home-department, of the conduct of the crowd at the late execution in London. He fully admitted that conduct was bad—nothing could be worse, but was there not to be found some extenuation for it in the horribly brutal conduct of the wretch who was about to suffer, who had got himself into the confidence of an unsuspecting woman, and savagely murdered her for the lucre of gain, and who throughout the whole of his subsequent conduct showed no feeling of remorse, or appeared to have any feeling whatever of religion? He was glad to see a disposition prevailing in this as well as other countries to abolish the punishment of death in all cases. He hoped the feeling would become general throughout society, and that at no distant day the principle would be generally admitted, that no man ought to take the life of another.

The *Attorney-General* rejoiced that the public voice went with the Legislature in those ameliorations of the criminal code—by which the punishment of death was about to be taken away from three-fourths of those offences to which it had before been applied. He had no hesitation in giving those measures his support, for he had no apprehension that the abolition of the capital punishment would in any of the cases here mentioned lead to the increase of crime; but he was not at all prepared to do away with the punishment of death in every case. The public mind was not at all prepared for such a change, and he had little doubt that there would be a general exclamation through the country against it. He had presented several petitions on the subject, some from the city which he had the honour to represent; but though they all prayed for the abolition of capital punishment in every case save that of murder, none of them went beyond it. He certainly was not prepared to go further. The time might arrive when that could be done with safety, but he did not think it had yet arrived. If the capital punishment were allowed to remain, as he thought it ought, in cases of murder, it should also be extended to cases where attempts were made to commit murder, for he could easily imagine cases where the intention of the party attacking to take away the life of another, might be defeated by the strength of the party attacked, or by the speedy attendance of medical aid, or a variety of causes not at all connected with the intentions of the assailant. Now cases of that kind were not distinguishable in any moral point from the crime of murder itself, and he therefore would not in such cases abolish the capital punishment. Now with respect to burglary the state of the law on that subject was a disgrace to the country. Under the existing definition of burglary a person in a frolic breaking a pane of glass after midnight, or a schoolboy stealing a penny bun, might be held to be burglars, but his noble Friend's Bill remedied that defect, and left the definition open to no misconstruction. He felt bound under all circumstances to vote against the amendment of the hon. Member for Liverpool.

Mr. *Wyse* said, the whole question to be decided was, whether the punishment of death for murder was efficient in preventing the commission of the crime by others? The experience of all countries where the experiment had been tried had shown, that where the laws were most severe and sanguinary, there crime most prevailed. The only effective mode of preventing crime would be to educate the people so as to lessen the disposition to commit crime. There were many punishments more severe than that of death, and where a more severe substitute could be supplied the capital punishment would not be justified.

Mr. *Plumptre* said, that whichever way they looked at the question, it was one of difficulty; but if the motion of his hon. Friend (Mr. Ewart) were pressed to a division, he must vote for it. He fully concurred with those hon. Members who had urged that sound education would be the best preventive of crime, though he feared he might differ from some as to what sound education might be. In his opinion no education could be considered effective which was not a scriptural education.

The *Solicitor-General* believed, that the time might come when the visions of the hon. Members who would abolish the punishment of death in every case might be realised with safety to the community, but certainly the present times were not those in which such a change should be made. If at once they rushed into so complete an alteration in the criminal code they might do much mischief, which would be aggravated by the difficulty of retracing their steps. His noble Friend (Lord John Russell), and those who supported him on the occasion, had been placed in rather an invidious position by the course the discussion had taken; for any one who had heard that discussion would have imagined that his noble Friend had proposed some measures of additional severity, which it was the object of other Members to resist. Now, the very reverse was the case—in one respect at least. His noble Friend's proposition was this—that whereas capital punishment might now be legally applied to thirty-seven offences, it was expedient to remove that punishment in two-thirds of the cases. The hon. Member for Liverpool would take away the capital punishment from all crimes but one, but some of those who concurred with him so far would take it even from that one. He did hope that from the increasing education and intelligence of the community, death would be inflicted only in extreme cases; but he did not think it would be expedient or safe at present to remove that punishment in all cases.

Mr. *Robinson* did not concur in the remark that the Legislature was in advance of public opinion, for public opinion went fully with the Legislature in all that it had done to ameliorate the criminal code. He thought it quite in consonance with the spirit of the Christian religion that the punishment of death should be abolished in all cases; indeed, the principle seemed to be admitted on all hands, and the only difference was as to the question of time, but he had heard no valid reason to show why the abolition of capital punishment might not be made with perfect safety at the present day.

Dr. *Lushington* hailed with great satisfaction this measure for the mitigation of the criminal code. It was a subject to which for thirty years he had devoted his attention. He wished to see capital punishments abolished altogether. Crimes had become less heinous and aggravated in proportion as the criminal code was made less sanguinary. The effect of public executions was to deprave the public mind. He believed that there never was an execution which did not produce a future candidate for the hands of the hangman. He thought it unjust to the people of this country to say that if the punishment of death were abolished they would take summary vengeance, and appeal to what Lord Bacon called "the wild justice of revenge." There could scarcely be found an instance in which such an occurrence had taken place in this country. He believed, on the contrary, that in any amelioration which the Legislature carried into effect, the full sanction of public opinion and public feeling of the country would go along with them. When any particularly atrocious crime was committed—such as that which had lately excited the minds of the multitude in the metropolis—it was not found that a regard to justice actuated the public in their desire that the criminal should suffer, but that they were urged forward by a vehement wish to see a punishment inflicted heavy in proportion to the heinousness of the crime. He thought that the Government were entitled to great credit for their readiness in conforming to the general call for a remission of the punishment of death, and their fame would not rest on the fleeting popularity which might hail the change, but on the fact that they had brought forward a measure really useful to the country.

Sir *Robert Inglis* should feel ashamed if he did not declare his reasons for objecting to the motion. This was no party question, and it never would be legislated on, he hoped, under any feeling of political bias. The House well knew that there was not the slightest chance, supposing that the instruction was carried, that the Bill could pass if framed in conformity with its principle. He certainly thought that those hon. Members who appeared so anxious that the instruction should be carried were purchasing at a cheap rate a character for humanity in the country, and that they were endeavouring at the same time to throw on the Government the odium of offering resistance to the motion. As to the arguments which might be adduced in favour of the present system, he might point out the number of cases under the old Scripture dispensation in which the punishment of death was enjoined. He was unwilling to make the House a forum of theological discussion, and he should not, therefore, dwell on that part of the subject. He would rather refer to the arguments adduced by the Attorney-General, and request hon. Members to consider if the distinction brought forward by that hon. and learned Member, relative to what were called, in popular language, the accidents of crime, were not perfectly unanswerable. He must again repeat, that the support of the motion given by hon. Members opposite was, in his opinion, a cheap way of gaining popularity, and he should certainly vote with his Majesty's Government on the motion; and he would not go to a division without declaring that, in his opinion they had gone as far as they could in prudence attempt to go.

Colonel *Thompson* said, that while the hon. Member for Waterford city was speaking, he had gone aside to consult a pocket Bible, which, like the hon. Member for Bath, he had brought in his pocket in consideration of the turn to biblical criticism the debates of the evening were likely to take, and moved moreover by the circumstance that the book did not make part of the works of reference contained in the library of the House—with a view, if he could have caught the Speaker's eye, to have corroborated that hon. Member's opinion of the extreme danger of taking the Mosaic law as the measure of what was necessarily to be punished with death in civilised nations. While looking for certain passages which he had in his recollection, his eye had glanced over other enactments of that code, which would answer his purpose as well. He found it written, that whoever ate "all manner of fat," of ox, or of sheep, or of goat, that soul should be cut off from his people. And whoever ate "all manner of blood," that soul should be cut off from his people. Under these circumstances, he would leave it to the House to say how far the assignment of capital punishment by the Mosaic code was authority which modern legislators must necessarily follow. There was a question on another subject quite distinct, which he would ask in hope that it would be taken up by others, either now or at some other time. Was there an intention in any quarter, to do away with the punishment of death for political offences? Many in that House were old enough to have seen God's image sorely mangled, by decapitation and all kinds of barbarous processes, for what were termed political offences. The current of opinion was strongly running against such practices throughout Europe —and there was a natural anxiety to know whether this country was to be behind the rest.

Mr. *W. S. O'Brien* was in favour of the motion. The state of one part of Ireland in 1831 was a proof that mild measures might be productive of excellent results. Outrages were then commonly committed which were punishable with death. The capital punishment was not insisted on, and in a month the district became tranquil.

Mr. *Ewart*, in explanation, wished to state that he had not expressed himself in favour of a total abolition of the punishment of death. He also desired to declare that he had not entertained the slightest intention of reflecting on the Government for their conduct respecting the subject before the House, but had given them credit for having done much good as far as they had gone.

The House divided on the original motion:—Ayes 73; Noes 72: Majority 1.

List of the AYES.

Adam, Sir C.
Alston, Rowland.
Astley, Sir Jacob, bt.
Berkeley, hon. F.
Blackburne, J.
Bramston, T. W.
Buller, E.
Burrell, Sir C. M.
Campbell, Sir J.
Clerk, Sir G., bart.
Coote, Sir C.
Donkin, Sir R. S.
Dugdale, W. S.
Dundas, J. D.
Eaton, R. J.
Farrand, R.
Fazakerley, J. N.
Fergusson, R. C.
Fort, J.
Fox, Charles
Gladstone, Wm. E.
Goulburn, rt. hon. H.
Graham, Sir J.
Grattan, J.
Grey, Sir G., bt.
Halse, James.
Handley, H.
Hanmer, Sir J.
Harcourt, G. S.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L., bt.
Hobhouse, Sir J. C.
Hodges, T. L.
Howick, Viscount
Inglis, Sir R. H.
Johnstone, J. J. H.
Jones, W.
Labouchere, H.
Long, W.
Macleod, R.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Murray, J. A.
O'Ferrall, R. M.
Packe, C. W.
Parker, M.
Parnell, Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Poulter, J. S.
Price, S. G.
Rice, rt. hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord J.
Russell, Lord C.
Seymour, Lord
Stuart, V.
Tancred, H. W,

Troubridge, Sir T.
Vernon, G. H.
Ward, H. G.
Wodehouse, E.
Worsley, Lord
Wortley, J. S.
Woulfe, Sergeant
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Dalmeny, Lord
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Agnew, Sir A., bart.
Baines, E
Bannerman, Alex.
Barclay, D.
Barnard, Edward, G.
Barry, G. S.
Bewes, T.
Blake, Martin Jos.
Bodkin, J.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Bulwer, E. L.
Butler, hon. P.
Buxton, F.
Callaghan, D.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Crawford, W. S.
Crewe, Sir G.
Denistoun, Alex.
Elphinstone, H.
Grote, G.
Gully, J.
Halford, H.
Hall, B.
Hawes, B.
Hindley, C.
Hume, J.
Jervis, John
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lushington, Dr. S.
Lushington, Charles
Marsland, H.
Molesworth, Sir W.
Moreton, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, Morgan
O'Conor Don
Oliphant, Lawrence
Parrott, J.
Pease, J.
Pechell, Captain R.
Plumptre, John P.
Potter, R.
Robinson, G. R.
Roebuck, J. A.
Sanford, E. A.
Sharpe, General
Stanley, W. O.
Strutt, Edward
Talfourd, Sergeant
Thompson, Colonel
Thornley, T.
Trelawney, Sir W.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Warburton, H.
Wason, R.
Weymis, Capt.
Whalley, Sir S.
Williams, W.
Wilmot, Sir J. E.
Wyse, Thomas

TELLERS.

Ewart, W.
Bowring, Dr.

Amendment lost.

House in Committee on the Bill for Abolishing the Punishment of Death in the Burning or Destroying Buildings and Ships Bill.

Mr. *Goulburn* objected to having the punishment of death remitted in cases where any attempt was made to set fire to any of his Majesty's dockyards or arsenals. First, because a great loss of life might occur; and, next, because the public interests might suffer most materially by such attempts.

The *Attorney-General* said, that there was considerable difficulty in the point, and the matter had been already considered in some measure by the Government.

Mr. *Grote* thought that if the punishment of death was to be retained it would be better that it should be inflicted in private, as public executions were never attended with beneficial results.

Sir *C. Burrell* was of opinion that private executions would be found a most dangerous expedient, as it might give rise to a belief that murders were committed under such a system.

Sir *Robert Peel* admitted, that the recent execution was a most disgusting exhibition, and that such spectacles seldom produced any salutary effects, but still he thought it would be a most dangerous principle to permit executions to take place in private. There was one matter connected with the present system which he conceived extremely reprehensible, that of admitting persons to visit prisoners under sentence of death. He did not mean to say that persons whose object was to obtain information which might be useful to the Secretary of State, or those whom the prisoner might desire to see, should be refused admittance to him, but he thought that persons whose object was mere curiosity should not be permitted to visit a prisoner under such circumstances. When persons of distinction visited convicts under sentence for a serious crime it invested the culprit with the character of a hero. The publication of the details of conversations held on those occasions, with the history of the past life of the convict, was calculated to excite sympathy for his situation, and to raise him in the eyes of the vulgar. If, therefore, persons who had the management and control of prisons had not the good sense or discretion to prevent the growth of such practices the law ought to interpose to put a stop to them. If it were intended to rely on transportation and imprisonment as the principal means for repressing crime, it would be satisfactory to have some precise information as to the effects produced on the conduct and habits of criminals by the duration of those punishments; and he also thought the Judges should be empowered to add to the sentence of imprisonment, solitary confinement in cases where it might be deemed necessary. As regarded the police generally, it was admitted, on all hands, that it was very effective. With respect to a rural police, if the hon. Gentleman who spoke of it (Mr. Hawes) had any proposition to make he had better propose it to the House in the shape of a Bill. It was, however, a matter for very serious consideration. It was not so simple an affair as persons would suppose. The populous and manufacturing districts were different from the rural with respect to the establishment of a police, and any attempt to fix it upon the latter would be open to much objection and obloquy. It was not his object to have the Bill postponed, but as it proposed to vest much discretion in the Judges, it would be well to afford the House an opportunity of ascertaining in what manner the system of secondary punishments would be likely to work, and by that means to enable them to exercise their discretionary power in the best manner possible.

Lord *John Russell* said, that a Committee on the subject had been appointed last year, by the Lords, which, after minute inquiries had come to certain resolutions, which were afterwards communicated to the magistrates of Quarter Sessions. They were recommended for temporary application, and were found to work well, and it would be desirable to wait, and see what improvement they were calculated to effect, in the system of prison discipline. As far as the experiment had been made, it proved successful. There were complaints that some of the prisons were overloaded with military cases, but, on inquiry, it was found, that sufficient accommodation could be made for such cases in the barracks. The reports hitherto received from the magistrates were highly satisfactory; and, this being the case, it was better that Government should cooperate with the efforts which proved so successful than to endeavour to enforce any particular rules. With respect to the observations of the right hon. Baronet respecting recent circumstances relative to criminals under sentence of death, he fully concurred in them. He admitted, that some revolting spectacles had been exhibited, but he hoped that after what had occurred, means would be taken to prevent a repetition of them.

Mr. *Cutlar Fergusson* in reply to the right hon. Member for Tamworth, would only say, that the discretion proposed to be vested in the judges was not greater than that which they previously possessed.

Sir *Robert Peel*, in explanation, did not mean to say that a wider discretion was vested in the Judges. His object was, to enable the Judges to exercise any discretion with which they might be vested in the best manner possible; and to do this, it would be well that they had every information as to how the system of secondary punishment worked—as, for instance, what was the difference in the result of five years imprisonment, as contrasted with transportation; the various manner in which the different modes of punishment operated, in reclaiming males and females, and which were the results of those separate modes of punishment as applied to the younger and the older offenders.

On the preamble being proposed,

Mr. *Goulburn* objected to it, on the ground of its freeing persons found guilty of setting fire to dockyards, arsenals, and military stores, from convictions which would render them liable to capital punishments.

The Committee divided:—Ayes 102; Noes 40: Majority 62.

The Bill went through the Committee.

The House resumed.

The other Bills for improving the criminal law went through a Committee.

HOUSE OF LORDS,

Monday, May 22, 1837.

MINUTES.] Petitions.—By Lord SEGRAVE, from Cheltenham, against the Window Tax.—By Lord FITZGERALD and VESCI, from Cork, in favour of the abolition of Punishment by Death for all crimes, except murder.—By Lord STRAFFORD, from various places, for the abolition of Church-rates.—By the Bishop of WINCHESTER, from Peckham, for the better Observance of the Sabbath.

EDUCATION BOARD (IRELAND.)] The Marquess of *Salisbury* presented a petition from a gentleman of the name of Murray, complaining of his having been removed without just cause from the situation of Inspector under the Board of Education in Ireland, and praying to be examined touching the premises before a Select Committee, or at the bar of their Lordships' House. The noble Marquess prefaced the presentation of the petition by a few observations, which were wholly inaudible in the gallery.

The Archbishop of *Dublin* said, those individuals were appointed entirely by the board, and were removable at pleasure. They had no claim for any particular duration of their term of employment, and they were clearly bound by the stipulation made with them. Although their functions were much higher, still they must be regarded as the servants, clerks, or immediate agents of the board. An agreement was made to give them a certain salary, and, in the event of their not giving satisfaction, they were liable to be dismissed. He did not mean to say, that the members of the board were not responsible for the exercise of the power which was intrusted to them, but he did mean to say, that, constituted as they were, they had a right to remove those officers, if they saw sufficient reason for it. These appointments were left wholly to the discretion of the board. There were generally a great number of candidates, very respectable individuals, for the situation, and when the applicants came before them, their duty was to appoint to the office the person who appeared to be the best calculated to fill it. In the same manner, it was their duty to remove such individuals as did not conduct themselves properly. If the Commissioners failed in the right performance of their duty, if they did not exercise a just discretion, their Lordships were at liberty to address his Majesty, and to call on him to issue his royal commands to remove the present Commissioners, and to appoint others in their place. But he would say, that unless the inspectors and other officers of the board were placed under the discretion of the board, to dismiss or to retain them, as they might deem advisable, it would be impossible for the board to proceed in their labours. The petitioner had no vested right: he was not engaged for any specific time; his situation was held *durante bene placito*. The board did not wish to bring matters of private conduct before the public, but if an individual chose to publish a pamphlet about Irish jobs, and containing accusations against the Commissioners, it could not be expected that he should be retained in their employment.

The Marquess of *Salisbury* said, it appeared to him, notwithstanding what had fallen from the most rev. Prelate, that this individual was discharged on account of the publication of the pamphlet, and for no other reason. He held in his hand a copy of a letter from the secretary of the board, addressed to Mr. Murray, which ran thus:—"Dear Sir,—I am directed by the Commissioners of Education to inform you, that the sole reason for dismissing you from the situation of inspector was your publishing a political pamphlet, on the contents of which they do not mean to express any opinion." It thus would appear, though something else was insinuated, that this individual was dismissed for having published a political pamphlet in violation of the rules of the board, of which, perhaps, he was ignorant.

The Earl of *Radnor* said, the petitioner appeared to have violated the rules in this instance, and he was discharged. But the board might have been very glad to get rid of him for other reasons. The most rev. Prelate only answered the allegations contained in the petition.

Petition laid on the table.

Execution at Gloucester.] Viscount *Duncannon* said, the noble Duke on the cross bench had on a former evening asked a question with respect to circumstances which were alleged to have occurred at a recent execution at Gloucester. The high sheriff had since inquired into the facts of the case. He had examined no less than forty witnesses, and they had stated that the circumstances sent forth to the public were without any foundation. The public certainly had a right to expect that melancholy scenes of this nature should be conducted with decency and decorum. He had read all the evidence, and those persons who attended the execution appeared to have conducted themselves with great propriety. He was aware that a paragraph inculpating the executioner had appeared in a Gloucester paper, and had been copied into the London journals. But he understood that the conductor of the Gloucester paper had reason to suppose that the statement made to him was a correct one, and hence the publication. That individual received the statement from persons on whom he thought he could rely, and having every reason to suppose that it was correct, he had published it.

The Duke of *Richmond* did not at the time pledge himself to the accuracy of the statement, but having heard it, he thought it right to call the attention of the Government to it. He believed that the better feelings of human nature were weakened, if not extinguished, by attending such executions. If the executioner on this occasion had attempted to address the crowd, as had been asserted, it would have been a most indecorous act. He was extremely glad that the statement was not correct. He trusted that what had now taken place would induce individuals who appeared at executions hereafter to be more upon their guard, and that it would put an end to that levity on such occasions which was now too prevalent.

Subject dropped.

HOUSE OF COMMONS,

Monday, May 22, 1837.

Minutes.] Bills. Read a third time:—Post-office Acts Repeal; Post-office Management; Postage Duties; Franking; and Post-office Offences.—Read a second time: —The Exchequer Bills.—Read a first time:—Civil Courts (Ireland); Secular Jurisdiction of the Archbishop of York and the Bishop of Ely Extinction.

Petitions presented. By Sir Robert Peel and other hon. Members, from various places, against the abolition of Church-rates.—By Mr. Lambton, from coal lessees in the county of Durham, for just and equitable Taxes.—By Mr. Hume, from St. Mary, Islington, for the abolition of Church-rates.

Church-rates.] Mr. Bernal brought up the report of the Committee on the Church-rates regulation. On the motion that the resolutions be read a second time,

Mr. *A. Johnstone* was sorry he could not support the resolutions of his Majesty's Government, and that the task devolved on him of moving an amendment; he regretted it because he was a supporter of the general principles of that party to which the noble Lord belonged. The proposed fund was to be raised from an improved system of revenue. He agreed with the right hon. Gentleman as to the creation of the fund, though he might differ from him in some important points of the proposed plan, for he would have the fund created without inflicting injury on any one; but he was compelled to differ from his Majesty's Ministers with regard to the mode of application. He did not anticipate that the fund would equal, by a considerable amount, the sum calculated by his right hon. Friend: but whatever the amount, instead of having it employed for the abolition of Church-rates, he would appropriate it in the way suggested in his amendment. He called on the noble Lord and on the Government, to support his amendment, if they were as friendly as they declared themselves to the principle of an Established Church. The noble Lord had in two speeches last Session professed himself a supporter of that principle, and had admitted that the church was in some respects inadequately provided for. The House had been called upon to support the Government measure because the Dissenters had declared themselves unwilling any longer to pay Church-rates. No man was more willing than he was to give due weight to the religious scruples of his dissenting fellow subjects, but he could not see how a Church Establishment was to be supported if so great a concession were made. The Dissenters were estimated at three millions, out of which one million were Wesleyans, who were formerly attached to a Church Establishment, and, with few exceptions, had not taken any part against Church-rates. Would they make such a concession to two millions of the people when there were ten or twelve millions who were favourable to a Church Establishment? It had been said this measure, was a healing measure, and that it would give peace to the country. Concession did not always give peace; on the contrary, he believed such concession would lead to greater agitation. He would ask the hon. Members for Leeds and Boston whether they thought this a healing measure, and if it would make peace between the Dissenters and the church with regard to the great questions that were agitated? The Dissenters had told them they would not be satisfied till they obtained their favourite proposition, the separation of the Church from the State. It had been estimated that only one-tenth of the Church-rates was paid by the Dissenters; nine-tenths were paid by the landed proprietors. They paid 450,000*l.* a-year to the church, and were willing to continue it. Was it reasonable he would ask, to strip the church of such a revenue merely that the Dissenters might be saved the trifling charge of 50,000*l.*? He might view the question with prejudice, but it humbly appeared to him that if the power of making the rate were taken away from the vestries and the obligation to pay were imposed on the landlord instead of remaining with the tenant, the fund might be secured to the church. In Scotland two-thirds of the land-holders were episcopalian Dissenters and they paid the Church-rates without a murmur, because they considered they were under great obligations to the church. It appeared to him that the people of Scotland might be divided into three classes—those able and willing to pay for religious instruction, those unable to do so, and those who were well able, but were unwilling to do so. One of the great objects of a Church Establishment should be to provide for the spiritual wants of the people, and he would contend that until the wants of the destitute poor were provided for, however the State might increase its army and police, and however that House might legislate with respect to prison discipline, they could not expect permanent tranquillity or prosperity. They must elevate the moral character of the people, or all their efforts would be vain. He found by a reference to the Returns on the table of the House that the population of London within a radius of eight English miles amounted at present to 2,000,000 of souls ; for that number of individuals there had been provided, including all denominations, only 680 places of worship which afforded accommodation for but 500,000 The fearful tale to be told was, that, supposing every place full, not more than 64,000 persons would be able to enter a place of worship. From the first report of the ecclesiastical Commissioners it appeared that in seven contiguous parishes in the eastern part of London, where the population amounted to 240,000, there were only eleven churches, and the whole number they were capable of accommodating was only 16,000 persons. In the second report of the Ecclesiastical Commissioners, to which he found the signatures of six of his Majesty's present Ministers attached, were the following passages :—

> 'The most prominent, however, of those defects, which cripple the energies of the established church, and circumscribe its usefulness, is the want of churches, and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means possessed by the establishment of meeting its spiritual wants ; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and christian instruction even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church.
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> "But a comparison between the amount of population and that of church-room will not furnish, by itself, an accurate view of the provision which is made for the spiritual wants of the people ; because many of the chapels which contribute to swell the amount of church-room, have no particular districts assigned to them ; and we consider the assignment of a district to each church or chapel to be necessary to the ends of pastoral instruction, and to carrying into full effect the parochial economy of the established Church. The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found. The resources which the Established Church possesses, and which can properly be made available to that purpose, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case ; and all that we can hope to do is gradually to diminish the intensity of the evil."

The hon. Member concluded by moving "That it is the opinion of this House that funds may be derived from an improved mode of management of church lands, and that these funds should be applied to religious instruction within the Established Church, where the same may be found deficient in proportion to the existing population."

Mr. *Baines* rose principally to ask the hon. Member who had moved the amendment, on what authority he rested the assertion that the Dissenters were determined upon effecting a separation between Church and State ? He was sure that the hon. Member had not sufficient authority for such an assertion, and therefore, in attempting to prejudice the case of the Dissenters, and place them before the Parliament of the country in an unfavourable point of view, the hon. Member, unwittingly as he believed, but improperly as he contended, was making a charge against the Dissenters which had no foundation in fact. He did not mean to say, that there were not Dissenters who would take measures to effect that separation ; but some months back he was present at a meeting of 700 deputies from different parts of the kingdom, representing the Dissenters in as efficient a manner as could be conceived, when this very proposition was brought forward by a Dissenter, and was met by a general disclaimer on the part of the meeting of any attempt to interfere with the connexion between Church and State. He declared, as far as was within his knowledge, that there was no such intention on the part of the Dissenters. That they were not friends to the Establishment, their being Dissenters was evidence, but knowing as they did, the combination of circumstances under which the Church and the State held together, he believed there was no wish on the part of the Dissenters of England to effect any separation between them. There was another inquiry arising out of the observations of the hon. Member for St. Andrew's which he should refer to. The hon. Member said—" Will this be the healing measure ?" and applied to the hon. Member for Boston, and to himself, to know whether it would in their opinion prove so. Now, his answer was, that it would be a healing measure ; and in saying that it would be a healing measure, he said all that any person could say of a measure of this kind, for he did not mean to say that it would satisfy to the utmost extent the wishes or claims of the Dissenters. He must say, that the Dissenters would not be improperly placed if they were admitted to the Universities of this country, and although this measure would do much, it was not to be expected that it would do everything. With regard to this measure, he had no doubt that if it were carried into effect, it would not only abolish Church-rates, but increase church accommodation, and extend the means of the poorer clergy. When, however, the hon. Member for St. Andrew's asserted that there were 11,000,000 of churchmen, and only accommodation for a small portion of them, he would ask, were there 11,000,000 of churchmen inclined to go to church? Was there half 11,000,000? Was there a quarter of that number? No, there was not; and in proof of his assertion he would ask, were there petitions from persons complaining of a want of church accommodation? It was but fair to infer that when they were praying to pay Church-rates, if there was any want of church accommodation they would mention it. The hon. Member had stated, that there were 11,000,000 of churchmen and but 3,000,000 of Dissenters. He wanted to know what the hon. Member called those persons who neither went, nor wished to go, to the meeting-house or the church. If they were churchmen, they were very indifferent churchmen, and he must say that he thought the hon. Member had taken too wide a range when he comprehended all who were not Dissenters within the pale of the church. The hon. Member said, that the Wesleyans were favourable to the continuance of Church rates. He denied that proposition. He did not believe that there was one petition proceeding from the Wesleyan Methodists in favour of Church-rates, and many had been presented praying for their abolition, and the hon. Member for Weymouth had that evening presented eleven petitioners from eleven Methodist congregations, all praying that Church-rates might be abolished. And yet the hon. Member claimed the whole Wesleyan body to be placed in array against the Ministerial measure. The Wesleyans generally acted upon the intimation of the Conference, and the conference had not given that intimation, and therefore they were silent, but he knew of his own knowledge that the petitioners against Church-rates had been signed by a very large number of members of the Methodist body. By the way, he was glad to hear the Methodists spoken of with so much respect. H could recollect the time when the name of Methodist was a term of reproach and contumely, but he was happy to find that the tone of hon. Members in speaking of them in that House was changed. He was sorry to have detained the House so long: but he thought that the assertions of the hon. Member for St. Andrew's were so little borne out by facts, and some facts which came within his own knowledge militated so strongly against those assertions, that he should have been doing injustice to that good cause of civil and religious liberty, which he hoped to see that night triumphant, had he not replied to a statement which had little or rather no foundation whatever to rest on.

Mr. *A. Johnstone* in explanation, wished to say that, in the observations which he had made respecting the Methodists, he had not spoken on mere report. A gentleman had said to him, "I have heard, that from Gravesend and from some other places petitions have been sent up by the Wesleyans praying for the abolition of Church-rates; but I have authority to state, that those petitions had not the sanction of those meetings which are considered to represent the societies of Wesleyan Methodists in those places."

Mr. *Hardy* expressed his entire concurrence in what his hon. Friend (Mr. A. Johnstone) had said on the wish of the Dissenters, to separate the church from the state. He had, on a former occasion, asked the hon. Member for Leeds what was meant by the union formed among the Dissenters unless it were the separation of Church and State. At the time he received no reply; but his question was subsequently answered by a newspaper (the *Leeds Mercury*, of which Mr. Baines is the proprietor) over which he believed the hon. Member for Leeds possessed some influence. In that paper it was stated that the union of the Dissenters consisted in their wishing to have certain emoluments taken away from the established religion, and to effect that sort of separation between Church and State which would prevent any one sect from obtaining grants of public money more than another. It was clear from this, then, that the object of the Dissenters was to divide the property which now belonged to the established Church, with a view to its general distribution among all other sects; and yet, notwithstanding this statement, the hon. Member for Leeds told them that it was not the object of the Dissenters to procure a separation between Church and State. But the hon. Member for Leeds said that there was no wish on the part of the Dissenters to make any such attempt. This he could readily believe, because the country had expressed so strong an opinion on the subject that the Dissenters must well know that any such attempt would be fruitless. He held in his hand a paper which he thought would be conclusive against the statement of the hon. Member for Leeds, but he would read it to the House, and leave them to say whether the object which at all events the political Dissenters had in view was not the separation of Church and State. It was well known that in this town there was a united committee sitting, in which the great body of the Dissenters were represented. He held in his hand the report of the resolutions passed on a recent occasion:—

> "At a meeting for conference between the united committee appointed to obtain the redress of the grievances of Dissenters, and deputies from various parts of the country, summoned specially for the purpose, held at the City of London Tavern, on Thursday, May 8th, 1834, Edward Baines, Esq. M.P. in the chair.
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> "Moved by the Rev. John Angell James, of Birmingham; seconded by Colonel Addison, of Chilton Hall, near Sudbury; supported by Thomas Harbottle, Esq. of Manchester, and the Rev. Joseph Gilbert, of Nottingham; and
>
> "Resolved—That this Meeting recognises the great and leading principle of full and complete separation of Church and State, as the true basis on which equal rights and justice can be secured to all classes of his Majesty's subjects."

Now, if any hon. Gentleman would have taken the trouble to look at the petitions coming from Dissenters which had, from time to time, been laid before them, they would there have found the separation of Church and State insisted on as his hon. Friend had stated, but he was willing to admit that of late these parties had found it expedient to adopt another and a better line of policy. He was aware that petitions had recently been sent ready cut and dry into the country for signature for another purpose, and from the colour, complexion, and size of these petitions he was strongly inclined to think that several of them had been presented to the House that day. He asked whether, during the present session, a petition had not been presented to that House from the Dissenters of Leeds, in which it was said—

> "As the objection to Church-rates is founded mainly on their unjust principle no measure will be in the least satisfactory which does not entirely, in substance as well as in form, remove the burthen from the Dissenters."

Before the meeting from which this petition proceeded a paragraph appeared in the number of the newspaper to which he had already adverted of the 25th of March, in which the meeting was announced and Church-rates denounced. [The hon. Member read the paragraph and then proceeded.] That meeting at Leeds was, he maintained, congregated together under false impressions, because the people were led to suppose that they were called on to achieve a great political victory, and not merely for the purpose of getting rid of the payment of a paltry *3d.* or *8d.* Another petition to the same effect, signed by 19,000 persons, had been presented to that House from the place which he had the honour to represent, by his hon. Colleague. Now he found no fault with that petition, nor could he wonder at its being so numerously signed when it was publicly announced that several hundred distress warrants had been issued for Church-rates. He held in his hand one of the handbills which had been distributed on the occasion attacking the Church-rates. [The hon. Member read the placard.] That was the appeal which had been made to the people of the borough which he had the honour to represent and its neighbourhood, and all he could say was, that if such an appeal had not enlisted their feelings and roused their spirit of patriotism, he should have been very much surprised. Indeed, his only astonishment was, that a petition for doing away with such grievances as were described in this handbill had not been signed, not by 19,000 only, but by ten times that number. Let them look to what took place in Scotland. In that country the Dissenters had numerously signed petitions for the abolition of Church-rates, because they were told that these Church-rates were imposed as a tax upon conscience. These Church-rates were not represented as a rate that had existed from the most ancient times, from a period beyond legal memory, but they were taught to look upon them as a tax imposed on the Dissenters for the profession of their faith. The Dissenters said, that their main cause for opposing this tax was its injustice. They had designated the system of Church-rates as a system of robbery and spoliation. Now, with respect to the plea of conscience which was put forward, he did not know how they could resist the payment and continuance of Church-rates on this ground. He could well conceive how a demand, though consistent with the law of the land, might be conscientiously resisted by an individual who considered it inconsistent with the law of God; but here was a demand sanctioned by the law of the land—consistent with the law of God—and established for the promotion of religious instruction and the advancement of morality, and he did not see on what plea of conscience any one was entitled to resist a system established for that purpose, when that system was consonant with the law of God. They admitted that these rates were established for the promotion of a doctrine, a great portion of which they themselves agreed to, and they solely objected to these rates on grounds that, to his mind, appeared totally untenable. With respect to the injustice of the payment of Church-rates, were they imposed on the Dissenters as Dissenters, as a tax for conscience' sake? No such thing. These rates existed before dissent was known. The Attorney-General had said, that the Church-rates were just and proper in former times, when all men in the country were of the same religion, but that that was not the case now, when many conscientiously differed from some of the doctrines of the Church of England. So long as it was considered desirable that they should have an Established Church, he did not consider how they could assent to the doctrine that those who dissented from that church should be relieved from all obligation to contribute to the support of that church, unless the great majority of the nation should decide upon some other means of giving religious instruction different from that which was practised within the walls of that church. The church was bound to attend to the religious instruction of all, and he did not see why then any portion of the country should be relieved from contributing to the support of the national Church. Those who resisted the payment of Church-rates put their opposition on the principle that they were obliged to contribute to the support of their own ministers. Now, he did not see the force of that position, for, upon the very same ground, might a man urge, that he ought to be relieved from the payment of poor's-rates, because he contributed from his private means to the relief of a number of the poor. Every man was bound to contribute his proper share to those public funds which went to defray the public burthens of the country. It was no argument to say, that because a man contributed to the support of a church of his own, he should on that account be excused from contributing to the support of a church which was maintained and supported for the general good. Whatever system of general instruction they adopted, that system would be best applied and administered by the national Church. He would be ready to support the amendment of his hon. Friend, if he would shape his motion differently—if, instead of saying—"Whereas, it is the opinion of the House, that funds may be derived from an improved mode of managing Church lands"—his hon. Friend would shape his motion in this way: "If any funds can be derived from an improved mode of managing Church lands, such funds should be applied to religious instruction within the Established Church." He would have no hesitation to support a proposition, that if such funds could be raised, they should be applied to the purposes of religious instruction; but he did not admit that any such funds could be raised. He did not wonder that the Dissenters repudiated the church. They did not admit an establishment. How could they admit an establishment, when the very principle of their existence was to admit of no superior? They were congregational, and each congregation considered itself independent. But as the case of Lady Hewley's charity proved, the Dissenters whatever objection they might have to the payment of Church-rates, had no objection to endowments. Let the House look, for instance, at the *Regium Donum*, which, for upwards of a century had, with great advantage to them, been dispensed to the poor Dissenting clergy. Though some political Dissenters objected to that and to another grant, yet he believed that a large portion of the Dissenting clergy looked to this grant as of real advantage and benefit to them. On this subject he would call the attention of the House to the opinions of those who had an intimate acquaintance with the subject, and who were fully sensible of the great comfort and consolation which this fund conferred upon many of the poor Dissenting clergy:—

"They cannot bring themselves to fear that a grant which has been generously made, and faithfully administered, and which has proved itself, under the Divine blessing, an occasion of joy and gratitude to hundreds of Christian teachers, whose earthly lot has been one continued scene of privation and hardship, will, under any pretence, be withheld; but should this be the unhappy result of the interference of certain Dissenters, they must ever lament the injury thus done to a numerous class of indigent ministers of the Gospel—the blow being the more felt, because inflicted by the hand that should have been extended for protection; and will fervently pray that He whose Providence is over all, and is especially engaged towards them that devote their lives towards His glory, may open other sources for the relief of these His servants, not indeed more pure, but better guarded against the fluctuation and even caprice of public opinion."

This was the opinion of those who had the administration of that fund, and it was an opinion very generally and extensively felt. It was admitted that there were an immense number of persons in the country without the means of religious instruction; but if the Legislature were to provide that instruction, how could it operate, except through the means of the national Church? He did not see how they could have an efficient system of religious instruction, unless they adopted means that would afford security that the objects which they contemplated would be carried into effect. Unless they established a proper control over any such system, they could have no security for its permanence and stability. Whatever that system of instruction was, it should be based upon the principles of the Christian religion as taught by the Church of England. Let them have the national temples of their religion in which the nation, as a nation, might worship God. Let them afford to their national Church the means of teaching and spreading wide amongst the people that religious knowledge which was of the deepest importance. The more churches that were required, the more did it show the extent of the ignorance that was to be overcome by the knowledge to be imparted. If his hon. Friend would alter his proposition in the way he had suggested, he would support him; but he did not admit that it would be possible to raise any funds in the way that was alleged. It was a most high and important duty to provide religious instruction for the people, and they never would have done their duty until that religious instruction was fully and amply provided for all who stood in need of it.

Mr. *Baines* wished to say a few words in reference to a petition which had been presented by him a year or two ago on the separation of the union between church and State. That it was passed at a meeting at which he had had the honour of presiding; but upon that occasion the Chairman and his friends were outvoted. In fact it was not the petition of Dissenters, but of Radicals.

Mr. *Hume* said, that it ought not to be forgotten what the real business before them was. After two months' consideration of the plan of the Government respecting Church-rates, they had now met to decide whether they should carry that plan into effect or not. There were two evils admitted: one was the payment of Church-rates by individuals not in connexion with the Church of England; the other, the want of church-room and accommodation to those who were not provided with religious instruction. He did not think that the hon. Member (Mr. A. Johnstone) ought to have brought forward his proposition regarding the latter of these questions until the first had been disposed of. He would, therefore, intreat the hon. Member to withdraw his motion. It was quite clear, that hon. Members at the other side of the House would not support him; and he might expect very little support from Members at his own side of the House. The question of Church accommodation was not that which they had met to consider, and by persevering with his amendment, the hon. Member would only interfere with the main question before them. The Ecclesiastical Commissioners had certainly admitted the deficiency of Church accommodation, but it was doubtful, if that accommodation were provided, whether it would be occupied by churchmen. The question they had to deal with at present, was not how they should apply the surplus, but by what means they could most effectually raise it. He would beg of the hon. Member to withdraw his motion, and let him fix a day when the House could come to a full decision upon it, and when hon. Members might have the opportunity of expressing their opinions fully and fairly respecting it. It had been said, that the Dissenters entertained a desire for the separation of the Church and State. He had attended many of their meetings, and he found that such an opinion was scouted by them; but he knew, that amongt them was entertained a strong and decided opinion for the abolition of Church-rates, so far as concerned the Dissenters, and to that alone they turned their attention. They objected much less to the amount of Church-rates than to the principle on which they were exacted. They considered themselves entitled to liberty and equality, and that the payment of those rates was inconsistent with that liberty and freedom of conscience which they claimed. The hon. Member had said, that if every individual paid *3d.*, it would create a fund more than sufficient for all purposes. But it did not matter, whether the payment was *3d.* or *6d.*, if the individual considered it a work of degradation to which he ought not to submit. He concluded, by again calling on the hon. Gentleman to withdraw his motion, and let the House go into the consideration of the plan proposed by his Majesty's Ministers.

Mr. *Borthwick* differed widely from the hon. Member for Middlesex. The question they had to deal with was, not whether the revenues which the Chancellor of the Exchequer thought he could create could be created or not, but the question was whether, supposing those revenues created, they ought to be applied to given purposes or not? It had been stated, by the Chancellor of the Exchequer, that within the limits of what he called the national Church, there existed certain property which ought to be applied to the relief of a certain portion of his Majesty's subjects, who prayed to be relieved from contributing to the support of the Established Church. Now, it had been argued by the hon. Member opposite (Mr. A. Johnstone) that whatever property existed within the national Church, that ought to be exclusively devoted to the purposes of religious instruction, for which purpose alone the national Church had been endowed, and ought to be supported. He had the honour of laying on the table several petitions from different parts of the country, and they had all concurred in one prayer, for the maintenance of Church-rates, and a strong expression of dissatisfaction at the conduct of his Majesty's Ministers. At the opening of the present Session, his Majesty, in his Speech from the Throne, had directed the attention of Parliament to measures for the consolidation of the Established Church. That desire had not been complied with, but the directly opposite course had been adopted by his Majesty's Ministers in the measure which they had proposed for the abolition of Church-rates. What was the meaning of a national Church, if it was not to be supported and maintained by the country? The hon. Member for Leeds had said, that there were five or six millions of people in the country who did not wish to go to the Established Church; but was that a reason that they were to have no regard for religious instruction? The principle of a national Church was that, by the truths it taught and the morality which it propagated, it should assist in the establishment and promotion of law and order. In this country, an Established Church had existed long before the name of Dissent was known, and that Establishment was supported at the expense of the country. He knew, that the right hon. Gentleman, the Chancellor of the Exchequer, had told them that he was as much disposed to support the Established Church as any Member at his (Mr. Borthwick's) side of the House; and the right hon. Gentleman had assured them that the plan which he brought forward, was calculated to strengthen the Established Church. It would be unfair, not to take it for granted, that the right hon Gentleman was sincere in what he stated; but he would defy the right hon. Gentleman, either by himself or any of his supporters, to show that the national Establishment would not be weakened by the adoption of the proposed measure. The measure was nothing more nor less than a declaration, that the country was not bound to support the Church in return for the instruction which it afforded, but that the Church was bound to afford, not only the means of instruction out of its own funds, but to pay its ministers and dignitaries out of its own revenues, and supply all the expenses necessary for its maintenance as a national Church. The ground on which the right hon. Gentleman consented to relieve the Dissenters from the payment of Church-rates, was, because they had conscientious objections to their payment, and that to force that payment was an interference with conscience. Now, he thought that argument would apply equally to relief from every species of taxation whatever. Would the right hon. the Chancellor of the Exchequer consent to exempt him from taxation, because a portion of the public revenues were applied to the support of the war in Spain, to which he was strongly opposed. Would he, on the same principle, relieve three-fourths of the country from taxation, because they were opposed to that shameful, disgraceful, and mischievous warfare? Would he enforce the law, or would he exempt him and those who concurred with him from all further taxation for the support of that war? Would he, on the same principle, exempt the Quakers from taxation, because a portion of the national revenues went to the support of war, to which they were conscientiously opposed? But the right hon. Gentleman asserted a principle against the Church which he neither dared nor could introduce into any other part of his financial policy; and he did so, because he knew that the mouth of the Church was stopped, and that it could not speak out. The clergy were placed in a similar position; they could not effectually raise their voices against the proposed measure. He might say to the right hon. Gentlemen opposite, in the words of the immortal poet:—

> "Oh, 'tis excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant."

He might continue the quotation, and the right hon. Gentleman could judge if it did not apply to the case under consideration:—

> "Could great men thunder
> As Jove himself does, Jove would ne'er be quiet;
> For every pelting petty officer
> Would use his Heaven for thunder: nothing but thunder—
> Merciful Heaven!
> Thou rather, with thy sharp and sulphurous bolt,
> Split'st the unwedgable and gnarled oak
> Than the soft myrtle. Oh, but man, proud man!
> Drest in a little brief authority—
> Most ignorant of what he's most assured—
> His glassy essence—like an angry ape
> Plays such fantastic tricks before high Heaven
> As make the angels weep."

He would not say, that the right hon. Gentleman should be termed one "drest in brief authority;" but he certainly looked as if he was more anxious to assail the myrtle than the gnarled oak. But, putting aside all metaphor, he must say, that the right hon. Gentleman, by this measure, was introducing a principle which could not be fully carried out. It might be applied to the plan for Church-rates, but it would fail when an attempt was made to carry it further. The right hon. Gentleman was sowing the seeds of destruction in the Constitution, which must eventually end in its destruction. The right hon. Gentleman was desirous to change the present system of Church-rates, because Dissenters were unwilling to endure the burthen of paying them. But, in his opinion, all classes of persons, whether Dissenters or not, were bound to contribute to the support of the Established Church. Looking back at the example set by the founders of Christianity, a strong argument might be drawn from their conduct. Would any one presume to assert, that the worship of Venus or Jupiter, or of the other Heathen deities, was not disapproved of most strongly by the Apostles? And still they considered themselves bound to contribute to the revenues from which the Heathen culture derived its strength and vitality. When the divine Founder of the Christian religion was asked to pay the customary tribute to Cæsar—to that power which he came to destroy—did he adduce the plea of conscientious scruples to evade the payment, or did he conform to the regulations of the country in which he lived? He had recourse to his miraculous power, and ordered his disciples to draw from the deep some of its finny inhabitants to pay the tribute. How could hon. Gentlemen talk about conscientious scruples in the present instance, when they were not considered of importance by our Saviour himself in a similar case? It was not, perhaps, altogether seemly to introduce theological discussions in that House, but when the plea of conscientious scruples was advanced as a justification for the present measure, he thought it was not irrelevant to state a case which, in his opinion, was applicable to the measure under discussion. Conscientious scruples must go for nothing in arguing the question. The Church of England well deserved the support of every class of men, for she was the mother of freedom in western Europe, and had mainly contributed to the overthrow of sacerdotal usurpation. It was to her that Dissenters owed the rights they now enjoyed, and it was but just that they should contribute to her support. But, independently of this claim upon the Dissenters' gratitude, they were bound to contribute to the support of the Established Church on the broad principles of civil policy. All civil government was founded on this principle—that each person governed should give up so much of his personal rights and property as were necessary for the security and well-being of society in general. This principle appeared reasonable and just, and had always been strongly insisted on by political writers of every description. The great Richard Hooper had expressly declared, "That all were to do homage to the rule," and that while "the least person in the State was to contribute, the greatest was not exempt." But see where this plea of conscientious scruples might lead, if pushed to extremity. What was to hinder any person from hereafter declaring that his conscientious scruples hindered him from conforming to the enactments of the civil law or the impositions of the criminal code? Might not the precedent of the Church-rate Bill be adduced as a fair excuse for non-compliance? If the plea called for relief in the present case, with what propriety or consistency could relief be refused in analogous cases hereafter? The Bill now before the House did not, in fact, strike so much at the Established Church as at every form of Government whatever, whether monarchical or oligarchical, or even republican. The measure involved, recognised the principle that a few might object against any part of the Constitution, and that their prayers might be attended to. The question, then, for the House to decide was, whether it would be right and justifiable to listen to the demands of the Dissenters or refuse them. He certainly should be better satisfied in opposing the measure brought forward by Government, if he was acquainted with the plan of the right hon. Member for Tamworth. It would be better, he thought, if, in place of a negative being merely given to the Government plan, a substantive measure could be offered in its place. Since such a course had not been decided on, he would throw out a suggestion which might furnish matter for consideration. When Mr. Pitt brought forward his plan for redeeming the land-tax, he intended following it up by a scheme for the redemption of tithes. Might not the right hon. Gentleman act on that plan? Might he not employ the principle of redemption with regard to Church-rates? For what were they? They were an absolute estate existing independently alike of tenant and landlord. The landlord, when he purchased his property, did not include in his bargain the Church-rates, nor did the tenant, when he took the lease of his land, consider that the Church-rates were therein alluded to. Might not the Government, then, impose a tax, and give the landlords the power of redemption? The conscientious scruples of Dissenters would thus be relieved, for they professed themselves opposed to the direct impost, but not to an indirect one. The amendment of the hon. Member for St. Andrew's obviated many difficulties arising from the Ministerial plan; and the hon. Gentleman deserved the gratitude of the country for the pains he had taken and the ability he had displayed in bringing it forward. The amendment got rid of the awkwardness arising from no counter-plan being proposed at that side of the House. The principle that the amendment laid down was, that all the Church revenues should be collected for specific purposes, and that the funds should be applied to the religious education of the people when it was found necessary. The right hon. Gentleman opposite, desired to have the funds raised from Bishops' leases. What justice was there, he would ask, in meddling with the property of the bishops? Justice was the word most frequently employed by hon. Gentlemen opposite,

> "Te veniente die, te decedente canebant."

But what justice was there in depriving the bishops of their legal revenues? Here were peers, not hereditary, but arriving at their high merit and attainments to be stripped of their property, simply because the Dissenters were averse to the present system. He could not reconcile such conduct with the cry of justice so often sent forth by hon. Gentlemen on the other side. The abolition of Church-rates would, in his opinion, not prove a relief to any party. It would besides introduce into the financial policy of the country a principle which was radically wrong, and which might hereafter powerfully affect other branches of the constitution, and it would, lastly, inflict a deep wound on the principle that every member of the State ought to give up part of their substance to support those institutions which tended to the good of all. A heavy blow, if report spoke true, was intended to be given by hon. Gentlemen opposite to the Church of Ireland. The appropriation clause had been introduced. That measure had been strongly opposed, and partly abandoned; yet what was the present measure but an English appropriation clause? The right hon. Gentleman might say, that the funds to be obtained from bishops' leases were to be applied to the erection of churches. That application of the money was undoubtedly a strictly ecclesiastical purpose —but it would prove nothing but a boon to the landlords. The plan was radically bad, inconvenient, contrary to sound policy, and exceedingly ill-timed. Ill-timed, he would repeat, because the Government did not at present possess the confidence of the people, but was suspected of entertaining the intention to destroy the Church which they loved, whose ordinances they delighted in, and whose doctrines they revered. He was therefore opposed to the measure and its principles, and he had sufficient confidence in the good feeling of the House to hope that it might never become law.

Mr. *Lambton* thought, that hon. Gentlemen on both sides of the question had used exaggerated phrases in speaking of the Bill. He should not, he trusted, fall into the same error. In his opinion, if the ablest divines in Durham were examined before a Committee of the House on the question they would declare that the truth would be found between the statements of both parties. The lessees were strong in their rights, founded on the enactments of Elizabeth, and the statutes of 1649; and though they said that they had no legal right to renewal, still time and custom had sanctioned their claims. The tendency of the measure would be found dangerous in those cases where the lessees were concerned, for their property had always been, and was at present, the object of transfer, of mortgage, and of family settlement. He would not deny that a depreciation in Church property had taken place, and that evils arose from the management of business being left to the bishops' agents. These circumstances, however, bore but indirectly on the question. When the measure was last debated, it was asserted, and the statement was received with cheers, that the Dean and Chapter of Durham had disfranchised their property in the same manner as was proposed to be done at present. Now, the facts were decidedly the contrary. The Dean and Chapter did make the attempt, but they failed. They were obliged to be content with only one-fifth of what they aimed at, situated on the banks of the river. In the county of Durham it was well known that there was a description of property called Church leasehold house property, which, as he could prove by documentary evidence, would not sell for more than ten years' purchase. The schedule, therefore, of the Chancellor of the Exchequer as regarded this description of property had been founded on erroneous data. There was also property called Church leasehold property which had leasehold mines on it, and the rights reserved by the lessors, such as ingress and egress, and other conditions attached to the tenure, rendered this property of much less value in respect to the number of years' purchase. These reserved rights incident to this tenure made at least a difference of four years' purchase. In freehold land the difference was not so great, because the reservations were limited; but the Chancellor of the Exchequer had committed an error in estimating freehold land generally at thirty years' purchase, for in Durham and Northumberland it was only worth twenty-eight. It was not for him to dictate to the Chancellor of the Exchequer what alterations he should make in his measure, but he would suggest that this valuation should be reduced from twenty-five to twenty-two years' purchase. He was also of opinion that a Commission should be issued, with discretionary powers, in order that all kinds of Church property should be valued. He knew he might be met by an objection that the adoption of such a course would diminish the fund from which the substitute for Church-rates was to be provided, and that there would not be sufficient to meet the demand. To this he answered that they had not a right to a single sixpence more than justice and equity would sanction, and if the fund to be raised would inflict injustice it ought to be diminished, at least to the extent of the injustice it was calculated to inflict. He therefore called upon the House to do justice to the lessees. With nothing less than justice would he, as the representative of the county of Durham, be satisfied, and he firmly believed the Dissenters themselves would not accept a boon at the expense of the lessees. He must say, however, that he thought the Dissenters came before Parliament with very strong claims to its generous and cordial support. They asked the Legislature to do away with an impost against the very principle of which, more than the amount, they felt a strong and conscientious objection. They had rested their claims upon arguments—they had proved their case in a way which had as yet remained unanswered by those who opposed the concession they required. Let the House look around at the state of the country, and at the services which the Dissenters had done for her moral condition. In the county of Durham, for instance, there were 110 places of worship belonging to the church establishment, whilst on the other hand there were no less than 246 dissenting places of worship, besides 200 preaching rooms; and the number of persons, also, who attended the dissenting places of worship greatly exceeded those who attended the Established Churches. Now, this being the case, with what justice could the members of the Church of England call upon the Dissenters of the county of Durham to pay for the repairs of the edifices of the Church, in addition to the expenses of their own 300 or 400 places of worship? The measure which proposed to wipe away this cause of strife and annoyance he must always consider one founded on the most statesmanlike views and the soundest principles of religion—of religion, because it offered a great practical homage to that precept of Divine utterance, "Love one another." With respect to the amendment of the hon. Member near him, if he refused his assent to that proposition, it was because he felt confident that the subject of education must soon be brought before the House in a distinct and substantive form befitting its importance. He hoped that Government would very soon be prepared to bring forward a comprehensive measure upon this subject, in full accordance with the spirit of the age, and founded on a truly Christian basis of religious toleration. Such a measure, when it was proposed, he had no doubt would meet with the support of the majority of the people at large, and of that House.

Mr. *Horace Twiss* wished to bring the House back to the main question which formed the subject of discussion, namely, the situation in which the Church of England was placed by the measure of Ministers, and the false position in which the Ministers themselves stood in reference to that question; and whether he considered the nature of the measure itself, or the alliance through which it was sought to be carried into effect, he could not but regard it as fraught with danger to the interests of their national Church. The plan of Lord Althorp, notwithstanding its defects, contained at least one useful and salutary ingredient, which had for its object the prevention of those contentions which took place at vestry meetings. But even this would not content any but the moderate portion of the Dissenters. It would not answer the purpose of the agitators, who sought nothing less than the dissolution of all connexion between Church and State. There was hardly one of the petitions presented to that House in which this doctrine was not openly and plainly asserted, and one petition presented by the noble Lord himself avowed the hostility of the petitioners to all civil establishments for the purposes of religion, and expressed their determination to use every means within the law to effect the overthrow of an institution of which their consciences could not approve. When Lord Althorp brought forward his motion, in 1834, the noble Lord opposite resisted an amendment of the hon. Member for Middlesex, and stated upon that occasion that the object of the hon. Gentleman, and the few who acted with him, was to destroy, and not reform—and he would now ask were those objects changed? What reason, he should like to know, had the noble Lord for supposing that those whom he then stated had in view the destruction of the Church were not now as ready to execute the same purpose? His hon. and learned Friend (the Attorney-General) had published a pamphlet, in which he staked his professional reputation that there was no legal remedy to compel a parish to make a rate. Fortunately for his hon. and learned Friend he had a great deal of professional reputation to spare, for had a poorer man staked his reputation on such an opinion he would have long since become bankrupt. His hon. and learned Friend had employed less than his usual care and wonted research, or he never could have hazarded such an opinion. His learned Friend had quoted the case of "The King *v.* Bedford," in which a *mandamus* "to compel the parish to make a a rate had been refused by the Court of King's Bench, but he only quoted as much of the judgment as suited his own purpose. He kept back the reason assigned by the Court for not granting the application, namely "That they could not interfere by *mandamus*, this being a subject of purely ecclesiastical jurisdiction." Now, so far from this showing that there was no remedy, a remedy in the Ecclesiastical Courts was strongly and plainly implied by it. His hon. Friend, the Member for Cardiff, during the former debate had cited a case which at the time staggered both the noble Lord and his hon and learned Friend, the Attorney-General, and which clearly proved, that the Ecclesiastical Courts had jurisdiction to compel a rate when the inhabitants have refused to make it. The case of "The King *v.* Thetford," referred to by his hon. Friend, had not, he (Mr. H. Twiss) contended, been disproved. His hon. and learned Friend had endeavoured to find a refuge from it by saying, that the decision in that case was made on two grounds. First, that the rate was retrospective; secondly, that there was but one churchwarden in the parish. With regard to the first, the law of his hon. and learned Friend was good, if the fact was as he had stated. But the rate could not have been retrospective, because the cause of suit occurred between Easter, 1793, and Easter, 1794. Easter Day was on the 20th of April, 1794, and the suit was commenced on the 17th. So much for the first point. Now, with respect to the second, namely, that there was but one churchwarden in the parish, he (Mr. Twiss) contended that there was no ground of individuality, for there were many parishes in England in which it had been the invariable practice to elect but one churchwarden, and the validity of their acts had not been impugned. Upon this subject he had written to a friend of his, a clergyman residing in a parish circumstanced as he had described, and he had received an answer, which contained the clearest information on the point. The hon. Member read a letter from Easton Maundit, which stated, that in that parish it had been for many years the custom to elect only one churchwarden. He trusted he had satisfactorily answered the two objections taken by the Attorney-General to the case quoted by his hon. Friend, the Member for Cardiff. He could, however, adduce abundance of authorities to show that the Ecclesiastical Courts had the power to compel parishes to make a rate. Watson says, "As to the repairing of the body of the church, the Spiritual Court may compel the parishioners to do it, and may excommunicate every one of them till it be repaired." In a case decided by Lord Tenterden, it was objected that the whole of the parishioners had not been served with the writ, but the Court held that this should not operate as a bar, but that the writ should be taken to be served on all, Lord Tenterden observing, that the writ must be directed to the inhabitants, and those inhabitants on whom it is served may be punished for disobedience. If the Court thinks the writ ought to issue they will find some means of enforcing obedience to it. In addition to this, Gibson says, "As to the making of a church-rate, this must be done by the churchwardens or parishioners, and the Ecclesiastical Court may inflict spiritual censure till they do, and if this did not suffice the right of the common law remained." Lord Chief Justice Holt says, that the proper course for the Spiritual Court is to give sufficient notice to the parish to meet and make a rate for the reparation of the church, which if they do not do they may be excommunicated. By the great statute of Westminster it was provided, "that when a case shall occur for which no writ can be found, the officers of the Court shall agree in framing a new writ;" "which enactment," says Lord Castle, "is a most excellent and necessary rule." In more modern times, Lord Holt, in the case of Ashley *v.* White, asserted in the broadest manner this great remedial principle of the law in these words, "If a statute gives a right the common law will give a remedy to maintain that right *a fortiori*—where the common law gives a right it gives a remedy to assert it."—1 Salk. 21. But in the instance produced by Dr. Nicholl, in the case of Gaudem *v.* Selby, where the parishioners having refused to make a rate for the sum which the repairs required, the churchwarden made that rate by himself: and, on an appeal to the Court of Arches, Sir William Wynne decided that it was valid. After all these authorities, he hoped that it would be no longer contended that no power existed to enforce a right expressly given and recognised by the law. But, in the measure of his Majesty's Ministers, they sought to extinguish at once the right and the remedy, and in a pamphlet recently published on the subject of Church-rates, by a supporter of the Government, it was stated, that vestries had refused to make a rate because the Chancellor of the Exchequer had declared himself opposed to it; and, indeed, from the course pursued it was no wonder that the Dissenters had assumed their lofty tone, and declared that Church-rates were an insult to their consciences and understandings. For his part he never would recognise the principle that the conscience of one party could be set up as a limit to the rights of another. If they were once to admit it, what would prevent the plea of conscience being set off against every other description of debt. Every one possessed of land in this country was bound by an ancient law to pay a certain proportion as a Church-rate, and every halfpenny of that proportion was as much the property of the Church as the remainder was the property of the owner of the land. It was argued that, as the rate was intended only to be levied on the land, its payment in the present way was not warranted; but this was only a technical objection, for it was raised off the lands or tenements—always liable to the rate, which in letting was usually taken into consideration. If, for instance, a person belonging to the Dissenting body—as the Lady Hewley, whose name had been already introduced into the debate—if such a person sold an estate upon which a Dissenting chapel had been built, and sold it with a clause providing that if the amount of the ministers' incomes from the rents of pews, or otherwise, did not come up to 200*l.* per annum, the person purchasing the estate should pay up the difference, the purchaser could scarcely refuse on conscientious grounds to fulfil the contract. If the matter came into a Court, and that the purchaser of the estate pleaded his conscience as a reason for his refusal to fulfil the contract, the Court would tell him that he had no business to make a purchase with such a covenant unless he had intended to abide by it; that of course he got an abatement of the price, because of this provision in his bargain; and that it was unjust in him to seek to have the advantage of that abatement without adhering to his portion of the contract. This was exactly the case as regarded Church-rates. All tenements were let liable to their payment, and let at a lesser rate because of the liability. The right hon. the Chancellor of the Exchequer, in speaking on this question when about to introduce the resolutions, made use of an argument which he thought equally applicable in supporting his opinions. The right hon. Gentleman, when arguing in favour of the existence of an Established Church, said, that everybody was bound to pay the taxes for the maintenance of war, however indisposed he might be to concur in the policy upon which that war was undertaken; and that as it was better to have a national religion than no religion, so all were bound to pay for its maintenance. This argument was as valid for a rate to support the fabric of the Church as it was for the support of a national religion. Now, how was the national Church to be recognised? Was it to be tested by the numerical strength of its followers? If this were the case, they had the authority of the *Patriot* newspaper, the organ of the Dissenters, to show that, exclusively of the Wesleyan Methodists, who, by the way, were only a modification of the Establishment, they amounted to no more than nearly a million. He did not mean to argue that the imposition of a rate was just if it unfairly affected only a comparative few to show that those who advocated the abolition of Church-rates ought to abstain from the use of any argument founded on numerical strength. The Dissenters said, they did not resist the tax because of its amount, for they did not pay more than 20,000*l.* or 25,000*l.* out of the whole sum of 250,000*l.*; and yet, they not only demanded that their portion should be remitted, but that the other 225,000*l.*, paid by persons who had no objection to the rate, should be remitted also. Thus for every 100*l.* remitted to them for the bonus thus given to them the Church was to be deprived of 1,200*l.* more. Lord Althorp had brought forward a plan far preferable to the present Ministerial one, but he was not strong enough to carry it on account of the cry raised against it by the Dissenters. Let the House remark the different treatment which the Dissenters and the members of the Established Church received on this question. In 1834, a measure was brought forward by Government, with respect to Church-rates, which did not satisfy the Dissenters. They remonstrated against it, and Government abandoned the measure. In 1837, another measure was brought forward, with which the members of the Established Church were greatly dissatisfied. They remonstrated against it. What was the consequence? Was the measure withdrawn? On the contrary, it was pertinaciously pressed forward, and with a Ministerial majority of only twenty-three. This, too, was done by Ministers, professing to entertain a great regard for the Church. In the discussion of the appropriation clause on the Irish Church question, the noble Lord opposite (Lord J. Russell) contrasted the abundance of the Irish with the scantiness of the English

Establishment. It was no later than June last, that the noble Lord admitted the revenues of the English Church not to be equal to, or at most barely equal to, its scanty support. In addition to this, when the present measure was about to be brought forward by Government it was stated, that the revenues of the Church were not to be touched; yet, notwithstanding these admissions and this assurance, a distinction was about to be made between Church land and Church revenues. Lord Althorp laid it down as a principle, that he would not touch the Church revenues, and he adhered to the principle. The noble Lord opposite laid down the same principle, but how did he adhere to it? Why, he proposed first to cut off the Church-rate, and proposed to procure for the Church an equivalent, to be raised out of funds which were already her own. In 1836 it was stated, in order to quiet the public mind on this subject—it was deliberately stated—that the Church in England had no surplus revenues, and a pledge was given to provide an equivalent for anything which the Church might lose in making the arrangements respecting Church-rates. What was the result with respect to the statement and this pledge? In 1837 Ministers come forward with a proposition to do away with the rate, and by way of an equivalent, to wring a new value from the Church lands. What was the reason of this change? Was it anything as to the amount of the rate? Was the justice of the case altered—had any new light broken in upon Ministers—did any precarious exigency arise—or was it owing to the position of Government—the nearly equally-balanced power of parties in the House, aided by the pressure, that this question was made vital to the existence of the present Administration? Was it the meeting of Dissenters which had taken place the 20th of June, which had produced this change in Ministers? Had a promise been given to them of a speedy reparation of the crime committed there? Were Ministers about to act upon the principle of the steward, so memorable in the parable, who, when about to be dismissed from his place, went about discharging the debtors of the sums due to his lord? He might be wrong in his surmise, and the noble Lord looked as if he would say so; but, in the absence of some intelligible cause to explain the change, he might be excused if he made an erroneous guess. Much had been said, and frequently, in that House of the wholesome control of public opinion, and of the weight which should attach to the wishes of the majority; but it appeared that the wholesome control was now about to be reversed, and vested in the hands of the minority. On looking back to the time when the voluntary principle first began to be agitated in Ireland, the friends of the Established Church in England saw that the attack would next be made in this country. "No," said the Minister, "the cases are different; the Church of Ireland is over-fed, her means are too ample; but in England the Church has a bare sufficiency." Yet in a few months after this statement was made, the Church of England was convicted of the same plethoric affection, and condemned to undergo the same treatment. The real question was between two sacrifices—whether Ministers would give up their power, or consent to the sacrifice of the Church. The hon. Member for Weymouth had asked whether it was to be supposed that Ministers would condemn the Church? He did not think that they would willingly do so, but they were driven to the necessity of choosing between one of two sacrifices. When he spoke of the Church being sacrificed, he did so because he could not see any distinction between tithes and Church-rates. All the arguments founded on a conscientious scruple applied equally to the one as to the other. A distinction had been attempted to be made, by stating that the tithe fell on the landlord and the rate on the parishioners, but it should be remembered that the rate was fixed before the memory of man, and he could not conceive why an attempt should be made to take them away without making an adequate compensation. There was no more right to take them than to take away the funds for the payment of the interest of the National Debt or other such similar claims. The plan of equivalent proposed deserved no other title than that of a quibble. What new value was given to Church lands by the proposed measure which they did not before possess? By repealing the restrictive statutes regulating the letting of Church lands they acquired no new value; they were merely permitted to rise to their natural level. If the Radicals were right in the doctrine that the whole revenues of the Church belonged to the public, his arguments would lose some of their force; but ministers had not as yet put forward so extreme and violent a doctrine. With the qualifications laid down in the resolutions before the House this doctrine, that the revenues of the Church were public property, was as strongly denied by Ministers as it was by him, or by those with whom he acted. He was ready to admit that the Legislature, if it could add a new value to land, was at liberty to apply it to public purposes, even though that land should be private property. Yes, he fully admitted this; but he could not conceive how Ministers could take the credit of adding a new value to Church lands by means of this measure. He would illustrate his meaning. If, 300 years since, the Crown had granted a franchise, suppose for the building of a market, and imposed a toll of a halfpenny upon every 20*s.*, and if from the altered circumstances of things —the improvements in cultivation, &c.— the market became so important as to induce the Crown to double the toll, this would be creating an increase in value which Government would be fully warranted in applying to public purposes to the construction of a pier, a bridge, a road, or in any similar way. If, on the contrary, an Act of Parliament had been applied for to remove restrictions with regard to the letting of private property, did the State ever step in to demand the produce of any improvement which might be the consequence? Decidedly not, for in this case no increase in value had been given to the land, as the improvement only followed from the removal of restrictions which prevented the landlord from making his leases in the same manner as others. This was exactly the case with the Church lands. There was no new value about to be added to them, and any increase in their productiveness would only be the consequence of a removal of restrictions. It was argued that by the Ministerial plan better provision would be made for keeping the churches in repair than now existed, but how was this to be the case, when the amount proposed for that purpose was to be no more than at present 250,000*l.*? The right hon. the Chancellor of the Exchequer said, that any interest which might at present exist in the improvable nature of the land was of a doubtful character, and that no one could decide whether it belonged to the lessor or the lessee, the landlord or the tenant. Both parties, however, were opposed to the plan, for both thought they possessed an interest; and, in this state of the question was it not perfectly allowable to them to say to a third party, "You are not at all entitled?" It was argued that this would be but a small concession to ensure peace. After what had occurred it was quite natural that the House should distrust these promises of peace, which were held out on every occasion, but only showed that each fresh concession was productive of new demands. This had already been the case with respect to the Dissenters' Marriages Bill. When that Bill passed the House of Commons and was sent up to the Lords, they were told that it would give entire satisfaction. This was followed by the Births Bill, which it now appeared did not give satisfaction. How could it be said to give satisfaction when there was at present a Bill before the House to amend it? No, the voluntary principle came distinctly before them, proposing to deprive the poor of all access to religious instruction. What, then, were the grievances which the Dissenters complained of? Not those which were sought to be remedied by the Mariages Bill—not those to which the registration of Births Bill had been applied. It now appeared that the grievance complained of by the Dissenters was the existence of the Established Church. Formerly the complaint was, that the establishment refused to tolerate Dissenters. This was in the age of bigotry, but in these enlightened days the Dissenters refused to tolerate the establishment. If food or shelter—if any of the corporeal wants—were to be provided men would make an effort to procure them, for themselves; but it unfortunately happened in spiritual matters, where provision was most wanted, it was least looked for. The people of this country were not, however, prepared for the cruel theories of the political economists—they were not prepared to adopt the voluntary principle, or to take the first step, in a series of proceedings, the result of which would be to do away with all provision for the religious instruction of the poor. The voluntary principle might do for the rich, who could make provision for themselves; but it would not answer for the poor, who could not afford the means necessary for such provision. Would they provide for the poor, the things necessary for their bodily wants, and leave them without that sacred provision without which all else would be little here, and worse than nothing hereafter? Those who took as peculiarly their own principle "the greatest happiness of the greatest number" should not neglect this. The cause of the

Established Church was emphatically and peculiarly the cause of the poor, and those who advocated the voluntary principle in opposition to it advocated the cheerless and chilling doctrine that religion was only for the rich, who could afford to pay for it. At present the poorest subject of the realm had the means of worshipping at the altar of his God. Let not Parliament presume to deprive him of that privilege. After he had toiled for six days let him not on the seventh be debarred from the enjoyment of that consolation and encouragement which religion afforded to all. Instead of diminishing they ought to increase his opportunities of confirming himself in those tenets of faith which were "the means of grace and the hope of glory."

The *Solicitor-General* said, that if the hon. and learned Member who had just sat down had a right to complain, as he had complained in the commencement of his address, that the real question at issue had been departed from by hon. Members who had preceded him, how much more reason had he to make a similar complaint, after the speech of the hon. and learned Gentleman and his elaborate peroration, more worthy of a Roman Catholic bishop in the French Convention, at the period of the revolution than of a Member of the British House of Commons? The hon. and learned Gentleman had stated, that with regard to the present question, his Majesty's Government occupied a very false position; that with language in their mouths, breathing love and affection for the Church, they had nevertheless a constant leaning towards the voluntary principle, and that this they had manifested by every sentiment they had expressed, and every measure they had introduced. In order to bear out those assertions his hon. Friend had had recourse to statements contained in papers, he (the Solicitor-General) knew not whence they came; and from petitions for the language in which his learned Friend was the first to admit no one in that House could be responsible, and which to use his own expression, were couched in rhetorical flourishes. What was the sole foundation of his hon. and learned Friend's argument? His hon. and learned Friend seemed to think the measure under the consideration of the House, whether good or bad, was an approach to what he called the voluntary principle. Now, by a Church Establishment he (the Solicitor-General) understood a Church which the poor man might visit without charge, which was provided for him. By the voluntary principle he understood a Church which every man must provide for himself. Now, in what way could his hon. and learned Friend point out how a Church kept up by one fund approached more nearly to the voluntary principle than a Church kept up by another fund? His hon. and learned Friend contended that the false position of his Majesty's Government was evinced by the humble tone of the law officers of the Crown; and he had observed that his hon. and learned Friend the Attorney-General had so high a professional reputation that he could afford to lose the portion of legal character of which his assertion that there were no means of compelling a parish to raise a Church-rate would deprive him. Now, he begged leave to take his full share of the responsibility which attached to that opinion. He believed that there was no right to compel the raising of those rates, because there was no remedy against their being raised, except, perhaps, that proceedings might be instituted in the Ecclesiastical Court for the punishment of the individuals who refused to concur in the rate. An hon. and learned Friend of his, whom he did not see in his place—the hon. Member for Cardiff—had stated on a recent occasion that he was in possession of certain manuscripts which established the fact, that in early times the law sanctioned the doctrine that when the parish refused to make a rate the churchwarden might make it himself. If that were really the law all difficulty on the subject would be removed. But it was certainly very extraordinary that in the numerous discussions which the subject had undergone no one had before ventured to assert that such was the law. A fallacy ran through all the debates on this measure. It was assumed by those who opposed it that it was intended solely for the relief of the Dissenters. That he never would admit. Whether the measure was right or whether the measure was wrong, it must be allowed that experience had shown that these Church-rates had long been the cause of great scandal to the Church. That admitted—it being acknowledged that the evil was a great one—the question was how it was to be got rid of? Why, it could be got rid of only by the abolition of Church-rates. In what way did his noble Friend purpose to abolish them? Was it not by the substitution of a fund adequate to the purpose, and which might justly be resorted to? Parliament could in no way show itself more friendly to the Church Establishment, it could in no way secure to that Establishment a more immediate and permanent benefit—than by removing the scandal inseparable from Church-rates. The noble Member for Lancashire had on a former occasion admitted, that any ecclesiastical property which was found to be superfluous might be applied to State purposes. He did not go so far; but he maintained that it might be employed in some other manner for the interest of the Church. His hon. and learned Friend who had just spoken had commented on what he called the change of opinion on the part of his noble and his right hon. Friends which had taken place since the year 1834, when he the hon. Member for Exeter proposed a measure exactly similar to the present, but which his noble and right hon. Friends then opposed. Now, the measure proposed at that period by the hon. Member for Exeter was so far from being a measure exactly similar to the present that it was only half that measure. The measure proposed by the hon. Member for Exeter, in 1834 went to abolish Church-rates, but did not provide any substitute. He thought that even making Church-rates payable out of the Consolidated Fund was better than the present system. He would say, however, that for the attainment of the great object which they had in view they should overlook all minor differences. It mattered not whether Church-rates were a tax or not; they should not allow them to be felt as a tax; and therefore it was that the right hon. Baronet had said it was, his intention to get rid of the impost of Church-rates, which brought the Church into discredit, because it was considered a great practical grievance, the effect of which was to keep in a state of alienation the Churchmen and Dissenters. A remedy, then, must be found, and, as he believed that remedy was to be found in the proposition which had been submitted to the House by his right hon. Friend, the Chancellor of the Exchequer, he should most conscientiously vote for it. He believed that it would put an end to those disgraceful brawls which so often occurred on the question of Church-rates.

Sir *Francis Burdett* observed, that it might appear a little presumptuous in him to differ in opinion from a great and able lawyer, holding office under the Government, on the subject of law. Yet as he recollected that common sense was the foundation of common law, and common law was the subject which the House had to deal with—he must own that he had heard with surprise that hon. and learned Gentleman declare, that in England there would be an immemorial and imprescriptible right, with no means for obtaining that right. If such were the fact, then he would say the Court of King's Bench were bound to find a remedy to redress such a wrong. With reference to the question before the House, he denied that there was any grievance on the part of Dissenters of this country in this matter. He must protest against such an assertion, and he must express, with the greatest disgust, his feeling at the pretension of conscience being brought forward, the fact being that as soon as Church-rates affected their pockets the consciences of those who opposed them immediately dictated that this was an unjust demand. He denied the justice of this pretence on the part of the Dissenters. The Dissenters who possessed property purchased that property with this contingency annexed to it; it was no personal tax—it had nothing whatever to do with religion. It was a debt due to others, which they ought not to withhold. He objected both to the resolution proposed, and to the amendment which had also been put; and more particularly to the latter, because it stood in the way to the giving a direct negative to a measure which was founded on the grossest injustice—which interfered with the rights of property and with the usages of this country. He would say, in justice to the Dissenters generally, that the Church-rates were opposed by a portion of the Dissenters only, and not by the whole body. A great and most respectable body or portion of the Dissenters, it was well known, entertained no such scruples as those which were put forward on this question. He adverted to the Wesleyan Methodists, a body of men between whom and the Church of England there was really so little difference—a body of men who had so proved their sincere attachment to the Church of England that opportunities should be made to include them with the Church. He contended that the Wesleyans did not object to the payment of a just debt. Nay, he was persuaded they carried the matter further, and that they believed the mild, liberal, and tolerant Church of the country to be a great benefit, and that all sects under its protection were bound by the greatest obligations for that extreme liberty which under different circumstances they could not find. Now, he objected to the scheme itself, because it had been shown by an eminent lawyer, the hon. Member for Exeter, also by the hon. and learned Gentleman, the Member for Ripon, and it had been unanswerably shown by those hon. and learned Gentlemen that this measure was one of the grossest injustice—that it subverted a large portion of the property of this country, and interfered by the power of the Government between the proprietors and lessees—that it violated the rights of property, which had become so complicated by time and circumstances; that the measure was not only unjust, but inexpedient, and utterly impracticable. He would say that this measure was inexpedient; and though he thought the proposition of Lord Althorp, which had been carried by a large majority, and might have settled this question, was preferable to this present plan—even though it was still objectionable, yet he did not know why the country should be taxed for the sake of some political Dissenters. The change of the plan was certainly for the worse. He should like to know how it would be likely (unless some new scheme of a commission were devised, entailing enormous expenses on the country, to see what was the state of the repairs of the Churches) he should like to know how the Churches were to be kept up in repair so well or so economically as by the mode of law at present established, by which persons residing in the different parishes were interested in seeing that the edifices did not go into a state of dilapidation, and who acted upon the principle that a stitch in time saves nine. It was impossible to suppose that if this expense were to be paid out of the public purse the Churches could be kept in a state of efficient repair. He, therefore, thought the measure was impolitic; but he objected to it chiefly because it went to an isolated object, and to affect the rights of property, for the small sum of 250,000*l.* He objected to the scheme, moreover, because he was satisfied it would be found to be impracticable even by those who wished to pass the measure, which he contended had already been thrown out, if they looked to the consideration to be given to the opinion of the House as expressed on a former occasion, when the majority was formed by placemen, and adherents of the ministry, who, even in olden times of the Reform Parliament, would not have been held of sufficient weight to decide such a question. When they saw the state of party in that House, it was impossible for them to sanction this measure. They could have no confidence in his Majesty's Ministers. Would the House support and look to them to uphold the institutions and constitution of the country? He thought on the contrary, they were a weak Ministry. To attempt to impose a measure on the country which was carried only by a majority of twenty-three in the debate on the principle, seemed to him to be one of the most extraordinary and most unjustifiable circumstances he had ever known. But, fortunately, there was still another House, there was, happily, as yet, a check and a control on the acts of the House of Commons; and the country might feel itself safe and secure in the full consciousness that that most unjust, most iniquitous, and most impolitic measure had no chance of ever being carried into law. Early in the course of the debate the hon. Member for Leeds, who was always so sensitive on the subject of the claims of the Dissenters, denied most distinctly that the Dissenters had any wish to subvert the Established Church of this country. But as that hon. Gentleman did not carry all the body of the Dissenters in his belly, and as he always cautiously gave his opinion rather as his own than theirs collectively, he should proceed to show the House what weight ought to be attached to that statement. When he spoke of the Dissenters, he did not wish to be understood to mean the Dissenters at large, the great portion of whom were a most respectable body, and not at all opposed to the present system; but the political Dissenters merely, who were small in number, though they contrived to make a great noise, and not at all formidable in any way, though they were enabled by the public papers, to fill the country with their clamour. To show the House the object of these individuals, in contradiction to the assertion of the hon. Member for Leeds, he should read an extract from one of their organs, and leave the question to be judged by itself. A Dissenting journal of the date of the 9th of March last, published in Birmingham, spoke as follows in reference to Church-rates:

> "While we join in the general expression of thanks offered by the country to the Ministry, and the Chancellor of the Exchequer, let us not be understood as for a moment saying that the Dissenters, in the event of this measure passing, will have received a boon at their hands."

So that, whatever Parliament did, or was committed to do, was not considered a boon: though before its announcement it was received with thankfulness and gratitude. It then proceeded:—

> "One portion of the Church bonds are removed; but let no one confound the question of Church-rates with the Church question. The Church question has not yet been mooted."

That was of a piece with the meaning of the hon. Member for Middlesex, at some public meeting, on a recent occasion, when he said, "Let us first get the Church-rates abolished, and then we shall have some ground to go on for the subversion of the Establishment." The article proceeded:—

> "But we give notice to the Churchmen that, as far as we are concerned, we shall not the less earnestly seek for the separation of the Church from the state than we did already for the abolition of the church-rates."

And yet, after this, the hon. Member for Leeds would say that such was not the object of the Dissenters whom he purported to represent. But a pretence of conscience was started by them as an argument; a thing never heard of before on the subject. Those great men of that sect, the Doddridges, the Baxters, the Matthew Henrys, the Robert Halls never urged such an argument—never thought of it, in fact. Their consciences took a different turn from those who called themselves their followers. But what an argument! It was an attempt to get rid of a just debt and nothing more. What man of honour or honesty ever set up such an opposition to a just demand? But what followed was still beyond all that preceded. The writers of that document, besides giving "notice to the Churchmen," talked of altering the fundamental laws of the country in such a manner that, were it not altogether unworthy the notice of Parliament, might be made the subject of grave accusation. They proceed to say—

> "We are quite aware that the question is already before the public; but it is neither the abolition of church-rates nor the expulsion of the bishops from the Parliamentary Peerage that will satisfy us. We will make the Church of England what she in reality is—one of the sects of the country."

Now, that might be very honest in the writers, as it certainly was very plain-spoken of them; but would the House agree to these propositions? He thought these sentiments very shallow, very silly, and very absurd; but if the "wants and wishes" (to use the cant of the patriotism of the present day) of those whose sentiments they were should be complied with, every man who had seen even half the period of his life would soon be compelled to acknowledge that Providence had been too bountiful to them. He (Sir F. Burdett) should like to ask hon. Gentlemen who were now requiring all these things, whether, when the repeal of the Test and Corporation Acts was first mooted, those restrictions imposed on them by the people of England at a period when it was deemed essentially necessary—he would ask them whether before the repeal of those Acts were granted it was not looked on in the light of a boon, a blessing? But now the Dissenters thought differently. Gratitude with them seemed to have a kind of restrictive force, to lose its power when there was no longer a favour to be obtained, and to perish when the exertions which should have called it perpetually forth were at an end. From that censure, however, he exempted the large body of non-political Dissenters, as well as the respectable portion of the Roman Catholics of Ireland—the former of whom had as little to do with the agitation on the subject of Church-rates as the latter had with the other kind of agitation which he firmly believed the great majority of them looked on as the worst curse of their unhappy country. But, with such sentiments publicly proclaimed, what encouragement had the people of England to pursue any longer a course of concession towards them? If a concession were made it was at once said to be extorted by conquest; and favours when conferred were spoken of as rights which had been long withheld. But if they thought they could intimidate the spirit of this great Protestant nation—to undermine and subvert the Constitution and the institutions of this country, he could safely assure them that they would find themselves grievously, and, he would add, happily, mistaken. Well, then, the measure before the House which had been so completely overthrown on law points by the learned lawyers who had combatted it, and in the calculations on which it was founded, those "mares' nests" of the Chancellor of the Exchequer, that picking of one set of men's pockets to put it in those of another—that sort of petty larceny—what remained of it? It was not merely the small sum of money which was in question—the great question at issue was in reality the principle of interference with the property of the country—the shaking to its very foundation the constitution of the

Church of England. He did not know why Lord Althorp had not carried his measure on the subject, but in his opinion, it would be decidedly the best for the country, though it was a boon which he maintained the Dissenters had no right to demand—to be released from debts contracted by them with a full knowledge and perfect consciousness of the fact. They held an equivalent for it. The Church had nothing at all to do with the question. It was as though an estate should be disposed of, subject to a contingency—that of keeping a pack of fox-hounds, for instance. Many hon. Gentlemen, no doubt, affected to think that the sports of the field were profane, but on that subject he (Sir F. Burdett) widely differed from them. He would say to them, in the words of an elegant English poet—

"There are, born in the Samian school, who think
This pastime scarce humane;
But in my mind and not ungentle eye,
His life is pure that knows no fouler stain."

But he denied the grievance complained of altogether. He denied the justice of the demand—he denied the policy of conceding that demand: and he thought that, independent of these, were it ever so just and ever so politic, the measure of his Majesty's Ministers was the most objectionable which could well be imagined for the purpose, and the least likely to be efficient for the smallest good. Under these circumstances—and believing that by the question at issue the voluntary principle was put to the vote of the House—for it was much too contracted a view to confine speculation on the subject to Church-rates—the question was strictly whether it was to be the voluntary principle or an Established Church? That was the way to put it to the House. A decision which was only sanctioned by twenty-three in favour of the Ministry could not be the decision of the country. Having thus put it to the House he should sit down, having shortly expressed himself as well as he could under present circumstances—but with the utmost confidence in the good sense and good feeling of the gentlemen of England, and of the people of England who would support them. He sat down, he would repeat, in the most perfect confidence that the measure before the House would never be passed. He would in conclusion say a few words of himself. It was with great regret that he found himself compelled to act against hon. Gentlemen whom he saw opposed to him. It was a great sacrifice; but his whole life had been one sacrifice for the good of his country, and whatever pain it cost him he was content to suffer for the same cause—"His gratiora dictu alia esse scio, sed me vera pro gratis loqui ei meum ingenium non moverit necessitas cogit" to that course which he then pursued. He objected to the amendment because it stood between the true vote of the House and the fact. It was high time now for the people of this country to declare that they would not admit of any further innovations in their onstitution, in Church or in State.

Mr. *Sheil* was understood to say, that the hon. Baronet would have done better to have maintained a judicious silence—such a silence as he had long observed. He would abstain from speaking of the enlightened language of the hon. Baronet, who talked of the hon. Member for Leeds having "the whole of the Dissenters in his belly." The hon. Baronet, too had alluded to another House in glowing terms—in terms which were better adapted, perhaps, for that House than the House of Commons. The hon. Member had referred to his Majesty's Ministers, of whom he had spoken in language of respect, and yet he was astonished he had not called them his noble and right hon. Friends. But he said, that the Ministry were weak. He had given them to understand that the man who led that House was weak—that he who carried the repeal of the Test and Corporation Acts was weak—that that man was weak who introduced the Reform of Parliament Bill into the House of Commons—he said that that man was weak who, under even the Melbourne Administration, carried the English Municipal Corporation Bill—the hon. Baronet spoke of him with compassion! He believed that sentiment had its origin in sympathy. He looked upon the hon. Baronet as a noble relic of a temple dedicated to freedom, though ill-omened birds built their nests and found shelter in that once noble edifice. Although the hon. Baronet was now allied with the men who were the antagonists of Reform in every shape—although he was allied with the party which was headed by the chief constable of the Tower—although the hon. Baronet was allied with the party (he did not intend to speak in offensive language when he said so) which was in power when the misdeeds—for there was no use in employing a partial phrase—when the misdeeds of Manchester were rife—still it was due to the hon. Baronet——[Cry of "Question!" and "Order!"] He thought it would be felt that the speech of the hon. Baronet was of such a miscellaneous nature, that it went over such a vast variety of ground, that it contained so many references to Ireland and to a vast variety of other topics, that he was not deviating from the proper course of debate when he ventured to advert, in what he was sure the hon. Baronet would feel to be the language of Parliamentary courtesy, to certain passages in his previous political life. He was, he confessed, about to advert to some incidents remarkable not only in the biography of the hon. Baronet, but in the history of the times in which he had lived. But when he so adverted to them it was for the purpose of giving his meed of humble praise to the previous conduct of the hon. Baronet. Might he suggest to the hon. Baronet that it was now somewhat unreasonable on his part to complain of agitators? Malevolent people might say that the hon. Baronet felt (he hoped it was not the case) like the once popular actor who no longer obtained the applause of the upper galleries. [Cries of "Order," and "Question."] He owned, he thought, that the phrases employed by the hon. Baronet towards some who sat on that (the Ministerial) side of the House, might justify the House in bearing with him if he spoke of the course which the hon. Baronet had latterly pursued in the language of what he admitted to be severity, but which he insisted was not in the slightest degree removed from the proper limit of discussion. But since the House had called upon him not to advert to the personal conduct of the hon. Baronet, he would simply and shortly state that he charged the hon. Baronet with being guilty, in every one of the tenets, in every one of the abstract propositions the hon. Baronet had that night laid down, of the most palpable, he would not say the grossest, inconsistency. What was the statement made by the hon. Baronet at the outset of his speech? Did he not say that the proposition of the Government involved a violation of the rule by which property was secured? Did he not say that the proposition, if carried, would shake the security of property to the foundation. [*Cheers*]? He took that cheer as an admission that such was the language of the hon. Baronet. Had that always been the language of the hon. Baronet? On the 6th May, 1824, the hon. Member for Middlesex brought forward a motion to inquire whether the property of the Irish Church was not more than commensurate to the services which it had to perform. On that occasion the noble Lord whom he saw opposite—the noble Lord the Member for Lancashire (Lord Stanley)—delivered the speech, conspicuous, no doubt, at the time, but rendered more remarkable afterwards in consequence of the noble Lord's ostensible adherence from that period to the propositions he then maintained. It must be felt that the motion made by the hon. Member for Middlesex on that occasion involved to a certain extent the principles on which the proposition of the Government now rested. At all events it was contended on the other side of the House that if Church-rates were abolished the foundation of the Church would be shaken. The hon. Baronet, indeed, went further, and said, that the security of property would be affected. Now, what was the language used by the hon. Baronet on the occasion to which he referred, in May, 1824? He knew that the House had a general distaste to references made to speeches delivered in what the hon. Baronet called the "olden time;" and the House perhaps was right in feeling and expressing that distaste, because it was not fair to refer to casual or isolated expressions in bygone speeches, in order afterwards to ground a charge upon them; but when a man in the year 1837 laid down certain broad abstract propositions—when he found fault, not with the details of a measure, but came forward with a distinct and decisive denunciation of its principle upon general constitutional grounds, it was fair, he thought, to go back, not to particular phrases, but to the general tenor of a comprehensive speech delivered in the year 1824, in which the hon. Baronet deliberately, clearly, and beyond all equivocation, laid down doctrines of an abstract nature diametrically opposed to those which he now came forward to advocate. The passage he was about to quote did not refer to the inadvertencies or inconsistencies to which he took the liberty of adverting at the outset of his observations, and which the House, with its usual good sense and tact, had not allowed him to dwell upon, because they were too notorious to require repetition or illustration; but this, in 1824, was the language of the hon. Baronet, who spoke now of the necessity of upholding the Protestant ascendancy in Ireland. He intreated the attention of the hon. Baronet to what he was going to read—he knew it was necessary that the hon. Baronet's memory should be refreshed. On that occasion the hon. Baronet was not contented with going into the grievances under which the Irish people were labouring—he did not confine himself to the specific facts brought forward by the hon. Member for Middlesex—the hon. Baronet did, as he had already mentioned by way of introduction to what he was going to read, distinctly state the broad, general abstract grounds on which he intended to vote for the motion of the hon. Member for Middlesex. This was the statement:—

> "With regard to the Church of Ireland, I am one of those who do not believe Church property to be so mischievous to a country as many persons imagine; but neither, on the other hand, do I consider it so sacred, or to stand on the same footing, or to be hedged round by the same protections, as private property. The property of the Church is, pay given for a public service, and it requires that the service should be performed. One portion of it was given for pious uses; and as to the donors, who were, according to some Gentlemen, to have their gifts set aside by any alteration of Church property, I will ask to what Church did they give this property? Certainly not to the Church which now holds it, but to another, from which it was taken by the State and transferred to this. As to the arguments, therefore, which have been addressed to the interests of the landed gentlemen, telling them to beware of shaking their own property by suffering that of the Church to be touched, I trust, Sir, that the landed Gentlemen of this House have too much good sense to adopt any fear of the kind, and too much manliness not to treat such opinions with contempt. If it can be shown that the property of the Established Church in Ireland is so distributed as to be a great evil—if it can be shown that by altering the distribution we shall largely promote the interests and happiness of all the people, that we shall benefit the public—if it can be shown that this property is an enormous grievance, will it not be absurd to say ——"

[Sir Francis Burdett interposed an observation, the purport of which did not reach the gallery.] Does the hon. Baronet say no (continued Mr. Sheil)? Does he say that these are not the sentiments he then expressed? Why, he was a teller on the division which took place upon the occasion. The tellers were Joseph Hume and Sir Francis Burdett. Ay, and since I am pointing out the inconsistencies of public men, I may state, that I find in the list of those who voted for the proposition of the hon. Member for Middlesex, the name of Maurice Fitzgerald, who has since contested the representation of Lambeth. [An *Hon. Member*: And Lord Palmerston.] Do you want more names? Then I will tell you that in the same list is to be found the name of Sir James Scarlett. If you do not think me capable of replying to the hon. Baronet, I appeal to a higher authority, and refer you to his own distinct, explicit, solemn denunciation of the Irish Church, founded upon the abstract doctrine that the property of the Church is the property of the State. I proceed with the passage from which I was quoting at the point from which I was broken off by the interruption of the House:—

> "Will it not be absurd to say, that it is not to be touched—that Parliament cannot alter the destination of the property of the Church—when it is shown that this destination is an alarming evil, and that the alteration would be productive of great public good?"*

He should not have said one word about the Irish Church, had not the hon. Baronet gratuitously availed himself of the opportunity of animadverting upon the conduct of Irish agitators—upon the conduct of those, and the House well understood his meaning, whom he described in sarcastic tones, as the supporters of the Government. He was not ashamed to say, that he and those who thought with him, were the firm supporters of the Government which carried the English Municipal Corporation Reform Bill—that they were the supporters of the Government which carried the Births and Deaths Registration Bill—that they were the supporters of the Government which carried the Poor-law Amendment Bill—a Bill which the right hon. Baronet opposite declared he would not consent to rescind—which the Duke of Wellington, to his honour, declared he would never repeal. Let him do the right hon. Baronet (Sir Robert Peel) justice. This new alliance was no alliance of his. It was not "Peel and Burdett," but "Burdett and Oastler." But, to return for a moment to the subject of the Irish Church. The hon. Baronet (Sir Francis Burdett), who declared that he had never undergone any political metamorphosis—who maintained that his political creed, political character, and political views remained unspotted and unchanged—let the House hear what he said of the Irish

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* Hansard (New Series) vol. xi. p. 577.

Church, of which he was now such a devoted and enthusiastic advocate, in the year 1824. In the same speech from which he had already quoted, the hon. Baronet said,

> "With regard to the Church of Ireland, the single question is, does that Church do good or evil? Is Protestant ascendancy—for that is what is meant by preserving the Church—of so much benefit that it must, at all hazards be preserved, or is it not a curse to the people of Ireland? Even if it can be proved that the Protestant ascendancy is not an evil, it does not follow that the Church should be protected in all its wealth. But if that ascendancy is the cause why all classes have not equal rights—if it prevents the Government from doing justice to all its subjects—if it exposes the majority to the tyranny of a small number, and will not allow the nation to be governed by any other principle than terror, then, Sir, I cannot consider the Protestant ascendancy as so necessary to be preserved; or that it is not of more harm than good."*

He would really appeal to the hon. Baronet whether the language he had held that night was not at utter variance with the sentiments he expressed in 1824. [Sir *Francis Burdett:* No.] The hon. Baronet said, "no." To that "no" there was no reply, or, if he ventured to give an answer, it could only be this: that the Irish Roman Catholics had disappointed the hon. Baronet's expectations, and although he felt the Established Church to be a grievance.—[Sir *Francis Burdett:* No.] Then the hon. Baronet must have spoken in a manner at variance with his feelings. [Sir *Francis Burdett:* No, no.] I speak (continued Mr. Sheil) of what happened not ten or twelve years ago, but in 1834. In that year, feeling the absolute necessity of having the Church question settled with a view to the peace of Ireland, I took the liberty—I believe it was in replying, or rather attempting to reply, to a speech of the noble Lord (Lord Stanley) the Member for Lancashire, who was then a Member of the same Government with his noble and right hon. Friends—I took the liberty at the time of suggesting that it was incumbent on his Majesty's Ministers to make an explicit declaration on the subject, and I called upon every one of them in the House of Commons to declare their opinions upon it. I own that on that occasion I addressed myself more particularly to the noble Lord (Russell) the Secretary for the Home Department, who, it was said, upset the cabinet a few days afterwards. And I cannot help claiming to myself some credit for sowing the seeds of salutary discord which grew up in precious fruit to my country; for, from the discussion which then took place the split in the cabinet arose, and not long afterwards the noble Lord (Stanley) opposite, and his companion (Sir J. Graham) abandoned the Administration. On the 6th of May, 1834, the noble Lord (Russell) the Secretary for the Home Department, stated, in consequence of a question put to him by the hon. Member for Tipperary, that he felt it his duty to state, that his opinions upon the subject of the Irish Church remained unchanged; and who was it that rose immediately afterwards and expressed his pleasure at hearing the declaration? Why, it was no other than the hon. Baronet, the Member for Westminster. Sir Francis Burdett got up as soon as the noble Lord, the Secretary for the Home Department, sat down, and declared that his opinions also upon the subject of the Irish Church remained unchanged, and that he thought it absolutely necessary that that Church should be reduced; and he distinctly and warmly expressed his gratitude to the noble Lord for the sentiments he had uttered. These were his words:—

> "He thought he saw for the first time a glimpse of hope of removing what had been so long rankling in the minds of the Irish people, and of making that union, so important in other respects, a source of strength and happiness to both countries. This object appeared to be of such magnitude, that all other subjects and details shrunk into utter insignificance. He was prepared to make as great a sacrifice in a spirit of justice or of generosity as any Irish Member, for he felt it was both politic and wise in this country to carry this object into complete effect. He felt strongly upon this subject, for from an early period of life he had been deeply, though, perhaps, not prudently, implicated in it; but it was a subject which was calculated to drive a wise man mad. But he admitted that he felt then not as an Englishman, except as desiring to promote the good of his fellow subjects. He rejoiced at the feeling tone which had been employed, as this was a subject which had kept Ireland in a ferment at all times, as the great grievance of a large proportion of the population of Ireland, and if arranged at an early period, all heart-burnings and discontent would have been prevented."*

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* Hansard, (New Series) vol. xi. p. 578.

* Hansard (Third Series) vol. xxiii. p. 667.

I abandon at once (Mr. Sheil continued)—I deprecate any language of severity in speaking to the hon. Baronet. I would address him only in the language of respectful remonstrance; and after the passages I have read from speeches made by him in May, 1824, and May, 1834, I would ask him—I will use no stronger terms—is there not an anomaly in his conduct? What has happened since 1834? Will any one tell me what has happened since? Have we changed our language? Is not our tone the same? How are we changed? I admit that there have been great changes, I admit that public men have changed, I admit that there have been some extraordinary alterations in the minds and opinions of some; but as far as I can form the slightest judgment of myself, or of those with whom I am in the habit of acting, I do not know in what particular we have deviated from our former conduct. I entreat of those who rise to answer me, to vindicate the consistency of the hon. Baronet. I do intreat them to tell us upon what ground it is that his conduct has been changed, or what circumstances have arisen that in his or their estimation justify the alteration of his former sentiments and opinions upon so many important political topics. I confess that I have hitherto spoken rather more in reference to the hon. Baronet than to the subject matter before us; and I think myself justified in having done so, in consequence of the more than indirect allusion which the hon. Baronet made to the party to which I am attached. What! do you expect that we should stand by and listen with indifference and with apathy to the supercilious scorn with which reference is made to us? Do you expect that we should stand meekly by and never raise a voice in vindication of ourselves, when men speak of us in language not to be misunderstood, as if we were a body of beings that could with impunity be trampled upon? The hon. Baronet knows it is otherwise. He has fought to long in our ranks not to know our spirit and determination. He has known us win many a victory before, may he live to see us achieve many hereafter. Ireland had the advance of England upon the question of Church-rates. The abolition of that obnoxious impost in Ireland had been extorted from the noble Lord (Lord Stanley) some years ago. On that occasion the Dissenters of England stood boldly and resolutely forward to maintain the cause of Ireland; and the Representatives of Ireland, are now ready to give to the English Dissenters all the aid in their power in return for the good service they have performed for Ireland. Personal interest in the question before the House they have none; but they have more gratitude than the hon. Baronet ascribes to them; and, acting upon that feeling, I, for one, will not omit an opportunity to strike at every link of the chain which marks and degrades the Dissenters, but can no longer bind them. Church-rates having been abolished in Ireland, it was only just and fair said the hon. and Learned Member that the same principle should be applied to England: that which released the Roman Catholics of Ireland from the payment of an odious tax ought also to be applied to release the Dissenters of England. What was the policy upon which Church-rates were abolished in Ireland? They were abolished in that country because millions of the people demanded their abolition. Thousands upon thousands demanded their abolition in England, and if it were found expedient to yield to the wishes of the people of Ireland, upon what principle of fairness or justice could the wishes of so large a portion of the people of England be denied? He would maintain the Churches, the sacred edifices resorted to by the majority of the people in England, in all the nobleness and loftiness that became their sacred purposes, but he would do it out of some other fund than that wrung out of the reluctant hands of those who held no communion with the establishment.

Sir *Robert Inglis* alluded to the personal remarks which Mr. Sheil had made upon the conduct of Sir Francis Burdett, whose constitutional language that night had done him high honour, had recently been subjected to a trial, and by that trial had been honourably acquitted; and had it not been for that trial and that honourable acquittal he believed the House would not have been indulged with the speech of the hon. and learned Member for Tipperary. For, with the exception of the last five minutes of his speech, not one word had the hon. and learned Gentleman said which had reference to the question before the House. All his observations had been confined to the conduct of the hon. Baronet the member for Westminster. He (Sir Robert Inglis) would not interrupt the progress of the debate by answering or attempting to answer the question which the hon. and learned Gentleman had put to them, although he could well conceive how strong and convincing an answer might be given by some Gentlemen in the House when the hon. and learned Gentleman asked what the change of political affairs had been since the year 1834 which could warrant the alleged change in the views and conduct of the hon. Baronet the Member for Westminster. That answer, however, he would leave for others to give at another period of the debate. At that moment his sole endeavour would be to confine himself to the question immediately at issue. Every Gentleman who had preceded him in the debate had considered the question merely in this point of view, whether a sum, not apparently a large one, should be taken from certain sums at present exclusively applicable to the purposes of the Church. He confessed that he considered it as a much more vital question than one of mere pounds, shillings, and pence; and he was content to look to the state of the public mind upon it. He believed that there never was a question upon which the public opinion had been expressed so disinterestedly, so explicitly, and so fully as on this question of Church-rates. He hardly knew any question, not even that of the abolition of negro slavery in the West Indies, upon which so many petitions had been presented to the House; and he was perfectly certain, that no occasion had ever occurred when the prayer of so many petitions had been to continue, not to abolish, the payment of any particular impost, but absolutely to continue a burthen on themselves. Such petitions ought to have considerable weight. He had himself presented several petitions, signed by all the rate payers of the parishes from whence they came, and many of them were Dissenters. The petitions from the Dissenters of Scotland in favour of the Ministerial plan were evidently grounded on the belief that a successful attack on the Church of England would ultimately lead to the overthrow of the Established Church in Scotland, while those who petitioned against that plan were equally convinced that the defence of the Church of England was essential to the maintenance of the Church of Scotland. With respect to the law upon the subject of Church-rates, it would be in the highest degree presumptuous in him, after the able speech of the hon. Member for Bridport, to make any observations. That speech, he considered, had quite settled the point as to the law of the question: but he would claim on the part of the Church that protection, whatever measure should be passed upon this subject—that protection to which it was justly and by law entitled. Wherever there was a will to do right there was a way; and if it was a maxim of law that there was no wrong without a remedy, then he would say that the law advisers of the Crown were bound to see that any measure brought forward should, while it professed to remedy an abuse, tend to maintain the existing privileges of the Church rather than endanger her future liberties. He had heard it stated, not only from opponents, but from some of his Friends, that the present system of Church-rates must be given up because of the very strong feeling that prevailed throughout the country against them. All he could say was, that he never would admit that resistance to the law was a sufficient ground for its repeal. He would never consent to the proposition that turbulence and almost rebellion was a fair ground for the Legislature to adopt a measure which it otherwise would not enact. The Chancellor of the Exchequer, and the noble Lord at the head of his Majesty's Government had stated, that they would not do anything in favour of the voluntary principle; but if the present measure were carried, the voluntary principle would, *pro tanto*, be established; because, after the fund proposed to be furnished by the present plan should have been obtained, there would still remain a large sum to be supplied for the necessities of the Church; and unless that sum should be contributed upon the voluntary principle, the Church would in effect be impoverished and deserted.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, May 23, 1837.

MINUTES.] Bills. Read a third time:—Public Works (Ireland). Read a second time:—Monies in Exchequer; Limitation of Actions.—Read a first time:—Medical Charities.

Petitions presented. By Lord BROUGHAM, from various places, for, and by the Bishop of Hereford, from a parish in Herefordshire, against the abolition of Church-rates.—By the Earl of CHICHESTER, from places in Suffolk, in favour of a Sabbath Day Bill.—By the Marquess of LANSDOWNE, from Greenwich, in favour of the Irish Municipal Bill; from the same place and from Swansea for the abolition of Church-rates.—By the Duke of WELLINGTON, from South Would, in Sussex, and from parishes in Cumberland and Suffolk, against the abolition of Church-rates.—By Lord DACRE, from rate-payers in the counties of Hertford and Cambridge, praying that 6*l.* tenements might be made liable to assessment.—By Lord BEAUCHAMP, from parishes in Worcestershire, against the abolition of Church-rates.

THE UNIVERSITIES.] The Earl of *Rad*

nor presented a Petition from the undergraduates of Cambridge, for an alteration of the laws in that University. In presenting this petition he would take the opportunity of putting a question to the noble Duke opposite (the Duke of Wellington) as to the state of things in the University of Oxford, and whether any reform of the Colleges was at present in progress there? When this subject was last under the consideration of their Lordships the noble Duke informed them that it was the intention of the authorities of that University immediately to enter upon some course of reform. There was, however, a general feeling prevalent that they had no serious intention of doing so, at least in many cases. He begged to ask the noble Duke whether this assurance of an intention to set about reform came to him from the heads of houses, or from the board of the heads of houses? If it came only from the heads of houses it could not avail much, because they had no power to act in their individual capacity, and could do nothing in the way of reform except when assembled as a board. He had it from authority that the Fellows, who were the governing power in the Colleges, were determined, at least in one instance—that of Pembroke College—that nothing should be done in the way of reform. He wished to know from the noble Duke, whether any authority besides the heads of houses had given intimation to the noble Duke as an intention to enter upon a course of reform.

The Duke of *Wellington* believed the noble Lord was entirely mistaken in the observations he had made respecting the disposition to improvement in the University of Oxford. He was officially, visitor of Pembroke College, and had been in communication with the head of that College on the subject of an improvement in the statutes, and he was led to believe that there was no want of a disposition to enter upon such improvement. He received letters from individuals of the governing body expressing the same views. He certainly did not communicate directly with the Fellows as a governing body, but he communicated with the heads of houses, and he had every reason to believe that there was no indisposition to improvement. The communication certainly was not with the heads of houses, as a board. It should be recollected, however, that the head of each College had considerable influence within his own sphere, and, in their united capacity as a board, he believed they would be disposed to make such improvement in the statutes as would give satisfaction to the public and to that House. He could not take upon himself to decide as to how the Convocation would act, but he knew there was no disinclination to promote the views of the noble Lord.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, May 23, 1837.

Minutes.] Petitions presented. By Mr. Alston, from a place in Hertfordshire, that the owners of cottages might be exempted from the payment of Poor-rates; and from Puckeridge and another place in the same county, in favour of the Ministerial Measure for the abolition of Church-rates.—By Sir Robert Bateson, from inhabitants of Connaught, against the present system of National Education in Ireland.—By Mr. O. Gore, from inhabitants of Llangollen, against the Ministerial plan for the abolition of Church-rates.—By Mr. Wilks, from various places, in support of the Ministerial Measure.—By Sir W. Molesworth, from Gallashiels and other places, in favour of Vote by Ballot, Universal Suffrage, and Annual Parliaments.—By Mr. Hawes, from the members of the Bar, that the Library of the British Museum might be opened in the Evening.—By Major Curteis, from Rye, in favour of the Sabbath Observance Bill.—By Mr. Hastie, from Paisley, complaining of distress among the working classes there.—By Lord Chandos, from a place in Nottinghamshire, against the Ministerial Measure on Church-rates.—By Mr. Wakley, from Kettering, in Northamptonshire, in favour of the abolition of Church-rates; also against the Poor-law Bill.—By Major C. Bruce, from a congregation at Inverness, in favour of the Sabbath Observance Bill.—By Mr. Greene, from places in Surrey, against the Ministerial Church-rates Bill.—By Mr. Wallace, from Presbyterian congregations at Mansfield and another place, against Church-rates.—By Mr. Sanderson, from a Board of Guardians at Colchester, that the Poor-rates of all tenements rented above 9*l.* might be paid by the landlords.—By Mr. T. Duncombe, from the parish of St. Clement Danes, for an equalisation of the Land-tax.—By Mr. Pease and Lord G. Somerset, the former in favour of, and the latter against, the Ministerial Measure for the abolition of Church-rates.

Church-rates.] Mr. *Brotherton* having the honour to represent a large constituency, hoped he should be allowed to say a few words as to the reason which influenced him in giving his vote in favour of the measure which had been brought forward by his Majesty's Ministers. In the first place he must tender his sincere thanks to them for introducing such a plan. He considered the measure a good one, both for the Church and for the Dissenters—a measure which would not only relieve the Dissenters from a practical grievance, but promote harmony and peace, and enable the Church to support its own fabric out of its own funds without the necessity of either compulsory or voluntary contributions. He supported it because he felt confident that a surplus would be obtained out of the Church lands sufficient for all Church purposes, without injury or injustice to any individual whatever. Another reason why he supported it was because it had been intimated that it was intended to provide for the maintenance of the fabric of the Church out of the Consolidated Fund. Such a measure would be a great injustice to his constituents, and he would feel it his duty to oppose it. He would state, with a view of illustrating his views as to the probable surplus to be obtained out of the Church lands, the case of the resources of the Established Church in the place with which he was more immediately connected. He referred to the Collegiate Church at Manchester. That Church was endowed by the Crown; the King was the Patron of it; and his Majesty had the appointment of the wardens and fellows. According to a return recently made by the wardens and fellows of that Church it appeared that the whole income was 4,025*l.* a-year. He, however, begged leave to state to the House that this corporation had the rectorial tithes of thirty townships, comprising 3,000 statute acres of land. In addition to this they had 1,200 acres of land, and about sixty houses. These were particularly valuable, because they were within and in the neighbourhood of the town of Manchester, and the land was well adapted for building. They likewise possessed valuable mines, which also produced a considerable income. Now, the whole of this property was confined to the maintenance of a single church, and in a parish, too, that of Manchester, in which there were thirty churches supported by voluntary contributions. He found from a Return respecting the existing value of Church lands connected with the parish of Manchester, that in the year 1649, it was recommended that the parish should be divided into ten parishes; and with such a fact before him he could not but consider it unjust that any one Church should engross to itself the whole of the advantage that arose from the tithes and from the lands. The present measure, he thought would not only be a relief to the Dissenters but to Churchmen, and he believed the reason why Church-rates were opposed in that parish was because the whole of the income was applied to the maintenance of a single Church. In looking into the charter he found that these lands were given for the purpose of affording to all the inhabitants the means of religious instruction, and all the parishes were equally entitled. He must refer to what had been said by the hon. Member for Cambridge, whom he did not see in his place, with a view to correct a statement which that hon. Member had made. He stated that there was a great want of religious instruction in Manchester, that the income of that parish was not more than 2,700*l.* a-year, and that the number of churches was only twelve. Now the fact was, that in Manchester there were thirty-two churches, and the income of those churches amounted not to 2,700*l.* but to 15,000*l.* a-year. Besides these thirty-two churches there were 100 Dissenting places of worship in Manchester, and therefore there could not be that want of religious instruction which the hon. Member had stated. But the hon. Gentleman complained that there was not sufficient church accommodation in Manchester. He believed there was church accommodation for about 34,000, but on a careful examination of the subject he had ascertained that the number of persons who attended the churches did not exceed 12,000. Thus, there was church accommodation for more than double the number of persons who were in the habit of attending the churches. He would next state the reason why he objected to taking the Church-rate out of the Consolidated Fund. In Lancashire the people paid only one-fortieth part of the total amount of the Church-rate collected throughout the whole kingdom; but if the money necessary for the maintenance of the fabric of the church, the object to which Church-rates were applied, were to be taken out of the Consolidated Fund, they would have to pay, not, as at present, a fortieth, but a twelfth part. That was a sufficient reason for him to oppose any such proposition as that of taking the Church-rates out of the Consolidated Fund. Those who sat on the other side of the House professed great sympathy for the poor, and they said they supported the national Establishment because they regarded it as the poor man's Church. He knew that there was a strong feeling in the country in favour of the Church, and he was also persuaded that if the people were allowed to participate in the choice of their own ministers, there would be no want of funds for the erection of churches. In his own borough, for instance, a sum of 10,000*l.* could easily be raised for the purpose of building churches if the inhabitants were only allowed to appoint their own clergymen, and he might make the same observation with regard to other parts of the country with which he was acquainted. He was convinced, however, that this measure would operate most beneficially so far as the Church itself was concerned, while at the same time it relieved the Dissenters. They were all aware that a church never died of poverty, but of repletion. The Dissenters had no wish to take away from the Church any of its funds, but they did wish to remove from themselves a burthen, which was also an injustice. He repeated that he should support this measure because he was persuaded it would establish peace and harmony, and he could not sit down without again thanking his Majesty's Ministers for having brought it forward.

Mr. *H. Fitzroy* was extremely unwilling to trespass upon the indulgence of the House, but in justice to the constituency which had recently done him the honour to send him there to represent their sentiments, he could not remain silent upon the present occasion. It had been asserted that the Protestant Dissenters of this kingdom were decidedly opposed to the continuance of Church-rates, but he was bound to dispute the accuracy of that statement, and that he had good ground for so doing might be collected from the fact that he was himself lately returned by a constituency comprising a very large body of Dissenters of every persuasion. When, therefore, he stated, as he was authorised to do, that there was no tax, no burthen imposed upon his constituents for the support of the Established Church which they would not willingly pay, as they looked upon an establishment as the surest safeguard for religious liberty, he had a warrant for doubting the hostility of the Dissenters to Church-rates. He felt that he should be taking too much upon himself were he to assert that this feeling prevailed among any other constituency than that which he had the high honour to represent, but he must say that it did not appear to him that there was any great zeal manifested in favour of the measure. If the Dissenters looked to the plan about to be introduced as a healing measure—if they regarded it as a boon, and looked forward to it as a cure for all the evils to which they considered themselves subjected, how was it that the table of the House was not groaning under the weight of petitions? He asked this question with more earnestness because of the cheers with which a petition numerously signed in favour of the abolition of Church-rates had been received by the hon. Members opposite. If, as he had often heard it contended, the petitions which came to that House spoke the sense of the people, and showed how they were inclined with respect to the rejection or adoption of measures—if that were the case, and the opinions of the people were entitled to any respect, then he must say that that fact presented a most powerful argument against the measure, for upon an inspection of the last return he found that there was a most overwhelming majority in favour of Church-rates, both in the number of petitions presented and of the signatures which were attached to them. He must say, then, he did not think that the people of England felt with his Majesty's Ministers on this subject, and he did not consider himself bound to give his assent to a measure which would certainly be injurious to the Established Church, and had been so coldly received even by those for whose peculiar benefit it had been professedly introduced.

Mr. *Arthur Trevor* concurred in what his hon. Friend had stated with respect to the petitions presented to that House; and he also believed that the voice of the country generally was hostile to this measure. He should now call the attention of the House to another point. The hon. Member for North Durham had, in his speech of last night, alluded to the subject of Church leases. Now, the consternation and alarm which existed in the county of Durham on this subject it would be impossible to describe. He held in his hand a communication which he had received from a highly respectable gentleman residing at South Shields on this part of the case. It stated that the proposed interference with this species of property in the diocese of Durham was likely to involve the most serious consequences to all those who held Church leases, and that already the mortgagees of such property had given notice to the mortgagors for payment of the principal and interest due on their securities. It was utterly impossible that these payments could be made, because no person would now lend money on such property, and the consequence would be ruinous to the owners of Church leases. Such was the condition to which the county of Durham was reduced by the introduction of this measure. It was a well known fact that property of this description, that Church leases, had long been regarded as a species of perpetuity. They had been made the subject of settlements, and money to a considerable amount had been raised upon them. That money was now called in, but the parties were unable to meet the demands upon them, simply because the tendency of this measure was to depreciate this species of property to such a degree that no one would advance their money on such security. The hon. Member for North Durham had also stated that there were in the county of Durham only 110 places of worship connected with the Established Church, while the Dissenting places of worship amounted to 246. He did not know whether in this calculation the hon. Member had included chapels of ease, a number of which, to his knowledge, had recently been erected in different parts of that county. In the diocese of Durham which comprehend the counties of Durham and Northumberland, there were 152 benefices, and, consequently, if there were 110 churches in the county of Durham the number left for the county of Northumberland would only be forty-two. This certainly could not be right. The hon. Member for North Durham had likewise made a comparison between the schools connected with the Established Church and those belonging to the Dissenters in the county of Durham. On referring to a return on this subject he found that in the schools, Sunday and daily, in that county, connected with the Established Church, the number of children instructed was 55,000, while in the whole of the schools of the Dissenters, according to the same document, only 10,012 children attended for the purposes of education. If, then, any reliance was to be placed on this return, the number of children in the schools of the Established Church greatly exceeded that in the schools of the Dissenters. He was of course not aware of the data on which the hon. Member's statement was founded, but the authority on which he went was a report which had been printed and laid before that House. Now, from his own practical knowledge of the county of Durham, and the ecclesiastical body in that county, he was able to state that that body had expended large sums not only in the augmentation of small livings but in the establishment of schools. The Dean and Chapter of Durham had done all in their power to promote objects of this description, and therefore he was astonished at hearing such a statement as the hon. Member for North Durham had made. The hon. Gentleman said he supported this measure because he considered it would be beneficial to the Church; but how the hon. Gentleman made good such an assertion he (Mr. A. Trevor) could not conceive. It was, he must say, not only absurd, but an insult to common understanding to put forward such an argument, because the only effect which the Ministerial measure could have was to lower the character and destroy the functions of the Established Church. This was his opinion. He would take the Marriage Bill, the Irish Tithe Bill, and the measure now under discussion, and he would ask any hon. Gentleman—of course he did not appeal to the hon. Members opposite—but he would ask any man of common sense in the country—whether in or out of that House, who had not motives for holding a contrary opinion, it was possible that such a measure as this would be beneficial to the Church? The hon. Member for Salford told them that the feeling of the people of Lancashire was against the continuation of Church-rates. He did not believe this, because he had been informed by a party in whose veracity he placed the highest confidence, that both at Warrington and at Liverpool petitions against the Ministerial plan for abolishing Church-rates had been carried by a large majority. At Manchester also it had been found, upon a scrutiny, that there was a majority in favour of Church-rates; and, with such facts before them, he would put it to the House to say whether they could give credence to the hon. Gentleman when he said that the people of Lancashire were inveterately opposed to Church-rates. He would tell the hon. Gentlemen opposite that, if they were prepared to believe that the feelings which they entertained towards the Established Church were responded to throughout the country they acted under a very gross delusion. The petitions which had been laid on the table showed what was the state of the feeling of the country with respect to this subject. The hon. Member for Lewes had stated, most correctly, that the preponderance in number of signatures as well as respectability belonged to the petitions presented in favour of Church-rates. Let a return of the number of signatures be moved for, and he would be prepared to prove that the signatures to the petitions in favour of Church-rates, and against the plan proposed by his Majesty's Ministers, far out numbered those which had been presented on the other side. He did not know to what extent the petitions at the other side had been signed by rate-payers, but he was prepared to say, that the greater number, if not all, of the petitions presented at his side were signed by rate-payers alone. He had had the honour to present a petition from Sunderland, signed by 1,350 rate-payers. Was that no proof of the feeling that prevailed in favour of the Church Establishment as it now existed? Let hon. Members at the other side who supported this measure openly avow that they did so because they thought it had a tendency to lower the Established Church from its present position. In taking any step to lower the Established Church they were laying the foundation of the worst evil that could by possibility afflict the country. If the clergy of the Established Church were reduced to a position in which they could no longer maintain their present weight and station in society a great evil would befal the country. He was surprised to hear those who supported this measure call themselves members of the Established Church, and proclaim their wishes for its prosperity and welfare. He did not like this dangerous friendship; he would much rather hear them express an open and an undisguised hostility—he would much rather hear them say openly that they supported the present measure because they were convinced that its tendency was to raise one class in the country at the expense of another—that they wished to raise up the Catholics and the Dissenters at the expense of Protestantism. Such an avowal as that he would consider a much more honest and straitforward course than to boast friendship for the Church, whilst they supported measures that had a tendency to destroy it. They might suppose that the public looked with indifference to the proceedings that were going on; but the voice of the country, from one end to the other, would shortly proclaim what the feelings were. They were told, on the other side, that it was unjust to call on the Dissenters to contribute to the support of a Church from which they conscientiously dissented. On the same ground the hon. Member opposite (Mr. O'Connell) might say that he had no right to pay tithes. On the same ground a man might refuse to pay taxes, because he differed from the principle in support of which the tax was applied. There were many instances where property was transferred which was saddled with the payment of tithes or Church-rates. Now, supposing a Dissenter purchased property from a Churchman which was saddled with burthens of this nature, what excuse would it be for him to urge, or what ground for exemption from the payment of these burthens to say, that he conscientiously dissented from the objects to which this money was to be applied? If they established such a principle they would open the door to fraud, and on that principle if it were admitted, the payment of any demand might be refused. He contended that the hardship which was so loudly spoken of, existed neither in fact nor in justice. The time at which these hostile measures towards the Church were introduced was most ill-chosen, for there never was a period in the history of the Church when greater exertions were made by the clergy of the Church for the benefit of their flocks and of their fellow-men than the present period. At no period had a greater number of schools been erected, or more benefit conferred by the Church upon the public. By whom was the attempt to injure the Established Church made? By Ministers at the head of affairs, who only looked to the means by which they could retain their places and who were sustained by a party, the object of which was to annihilate the Established Church—that Church whose virtues that party were unable to value, but which they wished to destroy because it existed as a check upon them. Without the support of that party his Majesty's Government well knew that they could not retain office for a single day. By that party each succeeding day his Majesty's Government were compelled to go lower and lower, and it was well known to every man who reasoned upon the subject that they were enabled to hold the Government of the country merely by the will and grace of that body. He did not so much blame those individuals for the object they had in view as for hesitating openly to avow that object. Let them come down honestly, and avow that they supported the present measure because they felt it would raise the Catholic and the Dissenter at the expense of a Church which was the object of their detestation, and which they were anxious to destroy. [Cheers from Mr. O'Connell.] The hon. and learned Member for Kilkenny cheered, but that was his opinion, and his opinions on any subject he had never shrunk from avowing. He denied that the Church property was public property, for if they were once to establish so baneful a principle it might be extended to private property. He was desirous to uphold the Established Church because he was convinced that a purer or a better Church could nowhere be found. He opposed the present measure because he believed it injurious to a body of men whom in the performance of their sacred duties, he looked upon as the best friends of their fellow-men. He believed, if the clergy of the Church were deprived of the means of maintaining a station in conformity with the importance of the sacred duties they had to perform, the effect would be most injurious, and would most probably throw the discharge of the sacred office into the hands of men wholly unworthy of it. The effect would be, to drive men of talent and education from that station where they could be most useful, and which, above all others, it was desirable that such men should occupy. If the House agreed to pass this measure he would tell it before it was too late that it would establish a precedent most baneful in principle and most prejudicial in practice. He did not consider himself presumptuous when he stated that in opposing this measure he was influenced by still higher motives, for he considered that if he voted for the support of this measure he would be sanctioning the desecration of property devoted to the service of Almighty God.

Mr. *C. Buller* said, the hon. Member who had last addressed the House but one had advanced two novel arguments against the measure of his Majesty's Ministers. The first was his own appearance in this House, the other was the preponderance of petitions and signatures against the measure over those in its favour. I would advise the hon. Member, however, not to rely upon the latter argument until he had made some further inquiries, for the fact is, that from a careful examination he was prepared to say that the preponderance of petitions and signatures is in favour of the abolition of Church-rates. The hon. Gentleman had better rely upon the other extraordinary fact—namely, his own presence in the House. But to the subject before the House; it seems to me to become a peculiarly hard fate that whatever pains may be taken to narrow any question before the House, so as to enable us to discuss particular issues on different occasions, it always turns out to be practically impossible to limit the debate to its proposed subject. It happens that the objections to the proposed plan for the regulation of Church-rates resolve themselves very obviously into two very distinct classes—consisting of objections to the mode in which an income is proposed to be raised by an improved management of the Church lands; the other, of objections to the application which it is proposed to make of that income when so obtained. Now, it is clear that no attempt of the kind will ever prevent the mighty minds of Members from expatiating over every kindred topic. The greater part of the debate turned precisely on the mode in which the funds are proposed to be raised, and all the details of the bearing of the measure on the lessees of the see of Durham. A still greater part was devoted to the discussion of the present law of Church-rates; and we were fortunate enough to get upon that point a quantity of information which had evidently been bottled up ever since their brewing in the month of March. We were entertained with various refutations of the voluntary principle, a point which it appeared necessary to some hon. Members to discuss, because they had read something in its favour in the resolutions of a meeting in some part of the country, in petitions presented four years ago in a Birmingham magazine, which is said to be the organ of somebody or another. The only points, which no one, except the hon. mover of the amendment condescended to reason upon, were the correctness of that account of the present state of spiritual destitution, on which he grounded his amendment, and the propriety of that mode of relieving it, which is the substance of the amendment. No one on this side of the House refuted the hon. Member, or even as much as alluded to either of these points. I won't say that on the other side, they were wholly forgotten, for every Gentleman on that side seemed to think that the completest proofs had been given both of the facts, and the plan of relief involved in the amendment. But no one on that side wasted a moment's proof upon either. The points actually in discussion were the only points never touched on, except as matters to be taken for granted. I cannot say, Sir, that it appeared to me that much was gained by turning yesterday's debate into a mere renewal of the first general discussion of the plan. Much as I admired the ingenuity with which the hon. Member for Bridport marshalled up all the arguments which had been previously urged against every part of the plan, and managed, by mere novelty and neatness of arrangement, to give very old arguments an air of freshness; great as was the eloquence with which he poured forth all the hard words which were prepared by his party to launch against the Bill before its provisions were or could be known, I must confess I did not receive from any those explanations, which have all along appeared to me wanting to the value of the complaints urged against this plan. He and others treated us with a good deal about sacrilege, and spoliation, and danger to property; but they did not give us the explanation which I have all along wanted—how or on whom these atrocious crimes had been committed, or how this peril was incurred. I know for instance, the meaning which Gentlemen on the other side will attach to the word "sacrilege;" but even according to their superstitious notion that it is sacrilege to apply to secular purposes any property that has once been devoted to ecclesiastical uses. I cannot make out how it can be pretended that the crime has been committed in this case. For here no ecclesiastical property is to be diverted to less holy objects. A new value is to be given by the act of the Legislature to certain ecclesiastical property; and we have great high church authority, no less than that of the noble Member for North Lancashire, to satisfy us that all that is thus added to Church property might, under these circumstances, "be applied to secular purposes, or to any purpose that the State might direct, without any violation of the property of the Church." But the present Ministers don't go so far as the noble Lord. The increased value, which they purpose to give to Church property, they propose to apply to the uses of the Church. Surely if there be one purpose more strictly ecclesiastical than another, it is the s pport of the fabric of the Church. Again, the charge of spoliation has been reiterated with great perseverance; but spoliation implies some one that is despoiled. This, however, appears to be a robbery without any one being robbed; a case of injury like that of the Cyclops in the *Odyssey*, with the difference of Ontis in this case being the injured party. At one time it is the Church which is represented as the victim of the alleged spoliation. But the Church does not lose any thing; it is not a bit poorer than it was at the outset. It is deprived of a precarious power of supplying a certain portion of its wants by means of a particular tax; but it gets in compensation an assumed income, which it never had before, of exactly the same amount, and applicable to the same purposes. The Church will be no loser, if any thing, and without doubt, as far as respects the certainty of its income, it will be a gainer. How then can you say that the Church has been exposed to spoliation, when it is just as rich as it was? At another time the Church lessees are put in to the part of victims, and become objects of Conservative commiseration. But here there is another difficulty, for unfortunately the supposed victims, instead of joining in the complaint, have generally declared that they shall be gainers by the plan by which they are said to be pillaged. I know that there are exceptions to this general satisfaction on the part of these parties. But the exceptions appear to be local, and to spring from certain local peculiarities not sufficiently considered in the general plan; and though I am inclined to think that these peculiar interests run a risk of being unnecessarily sacrificed in deference to some imaginary estimate of a general balance of good to the community—though I admit that the plan in its present shape appears, as far as I can recollect, not to be susceptible of just application to the lessees of the see of Durham, and perhaps other lessees, and must be modified so as to do them justice; still I think that I am justified in asserting that the great body of the Church lessees regard the plan as a boon, not as a robbery; that they consider themselves as eminently sharers in a national benefit, instead of being victims of a national act of spoliation. I think that Gentlemen opposite, in their distress for victims, will have to go back to the ingenious but somewhat bold conception hazarded by the right hon. Member for Tamworth in the first debate on this question, and rely on the case of the unhappy rustics, whom he represented as suffering under a usage, of the like of which, I believe, no Briton ever was known to complain before—that of being deprived of the right of being compelled to pay for the repair of their Churches. But, Sir, I must beg pardon of the hon. Member for Bridport, and the other Gentlemen who have taken part in this debate, for not grappling with the arguments used by them in support of their general view of this question, because it is my determination to confine myself entirely to what I cannot but consider the sufficiently large and important questions involved in the amendment now before us. I will assume that the new property is to be created in the manner proposed, and applied to ecclesiastical purposes. The question arises, what such application of it will at once be most for the benefit of the Church and of the country? I agree with Ministers in thinking that the best purpose to which such a fund can be applied, and the first to which it should be applied, is that of restoring peace and insuring stability to the Church by providing a substitute for Church-rates. The hon. Gentleman thinks that prior to this should be a provision for the spiritual wants of a number of souls, whose deplorable destitution of all religious care, of all the common physical appliances of piety in the shape of Church-room, he has very pathetically described. I am very glad that the hon. Gentleman has put these questions, of the fact of the extent of spiritual destitution of various kinds, as stated in the Reports of the Church Commission, and of the necessity of relieving it by the application of a large sum of public money, so distinctly at issue. It is impossible not to perceive that the statements emanating from high authority, confidently repeated, assiduously circulated, and never contradicted, have made a considerable impression on the public mind. Every Gentleman who has opposed this plan from its first proposal down to the present hour, has piteously alluded to a state of spiritual destitution, which it has been considered fair to take for granted; and it is impossible not to perceive that many, who are not at all inclined to oppose the plan on mere party grounds, have been influenced by these statements, and taken up a notion that urgent necessities of the Church are being postponed to a desire to conciliate the Dissenters. I think that this, like the other fallacies of our opponents, will lose its influence from the hour in which it is periled in debate. I rather think that it is to a perception of the superior convenience of assuming the facts as proved, and the remedy as practicable, to attempting to prove either that we must attribute the singular fact that this proposition does not emanate from any of those Members of our own Church, who owe their seats to our clergy, and always exhibit so lively a zeal for its interests, and that the duty of making it should have devolved upon a Gentleman who always proclaims himself a zealous son of another church, and who I should think is hardly the best judge of the spiritual wants of people of a different communion; but I can account for the officious zeal of the hon. Gentleman. I recollect that the church to which he belongs, has of late exhibited a great anxiety to put its hands into the public pocket, for the purpose of rearing more churches, and endowing more clergymen. I suppose that he wishes to show us Englishmen that he will do as he would be done by; that he is endeavouring to establish a kind of what, I think might in the phrase of his countrymen, be styled a "Ca me, ca thee" reciprocity to the mutual profit of the high Church on both sides of the Tweed. And I do not wonder at a Scotch Member being left to move this amendment. For after all that they have ventured to throw out in favour of such a course during the emergencies of debate, English Members do not appear to be so ignorant, or so regardless of the feelings of their countrymen, as to desire to encounter the odium of meeting the cry for the removal by a resolution for the aggravation of a grievance—to turn round on the masses that petition for the removal of Church-rates, not merely with a refusal, but actually with a declaration that Church-rates shall be increased. This, Sir, would be the effect of this amendment, if its consequence is to be the building of new churches. If they are built, the effect must be either that you will have a fresh set of churches, which can only be maintained by the levy of additional Church-rates, or, if you make at the period of building a further provision for the repair of these new churches out of the original endowment, you will have your new churches, for which no rate is raised, standing by the side of the old churches, which are to be supported by continual levies of Church-rate; an anomaly and a contrast, I should think, by no means favourable to the continuance of these rates. The effect of building fresh churches must be to augment instead of abolishing or reducing Church-rates. The House ought to look at this proposal in this light: it ought to mark well the startling defiance of public feeling which it involves; because then I think it will scrutinize closely the proofs of the alleged necessity for additional churches, and not lightly come to a determination to do that which will augment to an almost inconceivable extent the existing causes of irritation against the establishment. I will venture to say, that no such necessity exists; that the demand for new churches is one of the most preposterous ever made; that whatever want of church-room may exist may be supplied by very simple and inexpensive means, which would provide at the same time for more urgent spiritual necessities of the people. I grant, Sir, that in a Christian country, it is matter of very fair complaint, that the attendance on divine service, in particular districts, should be so scanty as it is universally allowed to be at present; that such very inadequate facilities should be afforded for attendance thereon, and what is worse, that the existing facilities should be turned to so small account. It appears that in many populous districts there is no church-room for more than a small part of the population. But it also appears that not one-half of the church-room which does exist is used. Desirable as it is that more people should be induced to go to church, I see no reason for believing that that end would be attained by giving more church accommodation, or that that accommodation, can only be given by building more churches. A large proportion of the population of this city never set foot within a church. But why is it that they do not? Is it because the churches are so full every Sunday, and all Sunday, that these people cannot squeeze into them? Everybody knows that this is not the cause: that of the churches of this metropolis, not one quarter are commonly filled or nearly filled; not one half are usually half filled. It is not want of room, but want of inclination that prevents the people from going to church. Some few churches are generally filled; but these are the churches of a few able and popular preachers. And these, let it be remembered, are filled not by the parishioners, the peculiar flock of the particular clergyman, but by persons who are attracted from all parts of the town by the eloquence of the preacher. Do the excluded parishioners do as pious people would do under such circumstances? Do they resort to the neighbouring churches? I won't ask whether they do what we know that a religious people has done when it could not get churches to pray in. I will not ask whether, like the Covenanters, or the first Methodists, they repair to field and the moor, and gratify their thirst for prayer under the open sky. No: but I will ask whether they evince their love of religious rites, in a manner more consonant with the tranquil religious zeal of our own day? Do they do what people do every day in the country? Do they walk as much as a couple of miles, or as much, sometimes, as a couple of hundred yards into the city, where a vast host of untenanted churches continually invites a churchless people? You know they don't. You know that while Mr. Dale and Mr. Mortimer fill their churches to overflowing, the great majority of the churches in the city have, some a dozen, some a score or two of attendants, and the unheeded word echoes through empty aisles. The reason is, that in the first place the great majority of even church-going people care not for the prayer but the sermon, not for the doctrine but the teacher; that as many go to hear Mr. Mortimer or Mr. Dale as their two churches happen to be able to hold, but that the surplus congregation do not, when disappointed of hearing them, fill the deserted churches close at hand, simply because there are no Dales or Mortimers to be heard in them. But the chief reason is, that the great mass of our population cares not either for good or for bad preachers of the Established Church. A great portion of the more serious of them belong to the various dissenting denominations, and attend their chapels. But by far the larger proportion belong to no religious denomination, and attend no place of worship. Ignorant or heedless of religion, they stay away from church, not because there is no room there, but because they prefer the gin-shop. Do you think that the mere aspect of a roomy church will suddenly tempt such persons to enter it? Some simple man made the notable discovery that the people of London were addicted to ardent spirits, solely because they had not a sufficient supply of good fresh water: and he proposed to annihilate the gin-shops by setting up in front of each the dangerous rivalry of a pump and ladle. This is just the kind of competition by which it is now proposed to empty the ginshops, trying only churches instead of pumps. Why, the one plan was not a whit more chimerical than the other. The mass of people who stay away from church relish religion as little as they do cold water. You must convert these people: and you don't convert people in church. The first thing you must do is to get them to desire to go there. This is the most important, this is the most difficult labour to be performed. For in truth regular attendance on divine service is not the foundation and cause of religious feeling, but rather the crowning effect and sign of its influence. Provide church room when it is wanted; but first induce the people to make full use of that which exists. For this you must use other means. You must multiply the influence of an active clergy. You must send missionaries into the haunts of vice or misery, or the abodes of hostile opinions. You must convert the unbeliever, and reclaim the profligate; you must provide education for youth, and a sedulous ministry for age. When you have done this—when you have prepared the minds of the people for the holy ordinances of public worship, and made them anxious to partake of them, then come and state your grievance of universally crowded and insufficient churches, and ask for more church accommodation, in order that you may maintain the wholesome state of feeling, which you will then have almost completely created. But it is a long time to that yet, I do not deny that there are cases in which, independent of the audiences attracted by some popular preacher, there really does exist a want of church accommodation for the regular attendants on divine service. Means should be adopted for supplying that accommodation; but I venture to say, that the running up new churches is the very last expedient to which you ought to resort. The spiritual wants of localities are constantly changing with every vicissitude of population; and the evil of expending your money on huge immovable piles of bricks and mortar is, that when you have reared them, an unforeseen change in the habits of the people, caused by any of the many accidents of trade or internal arrangements, may render them wholly and permanently useless. Now, there can be no better exemplification of the impolicy of multiplying churches, when you can possibly avoid it, than the state of things at present existing in this metropolis. Every body has heard of the state of the churches in the city of London within the walls. There are in that district, or at least there were in 1821, no less than sixty-seven parish churches to a population of 56,000 souls. I am not exaggerating when I say, that in four-fifths of these churches the usual attendance does not amount to as many as 100 persons. All those who do attend them might be well accommodated in the remaining fifth, which are somewhat better attended. Here are more than fifty parish-churches, which are almost wholly unused, —in fact, almost wholly useless. For these you have to keep clergymen, and these you have to repair by the levy of Church-rates. To say no worse of this, it is at any rate a monstrous waste of the ecclesiastical resources of the country. And what is most remarkable in this is, that this evil does not arise from charges which it has taken a long time to bring into play. These are not such very ancient churches, founded in those old times in which no dissent was allowed, and hardly any indifference operated to keep a Catholic population from the only existing place of worship. The churches of the city of London were built in conformity with an Actof Parliament passed in Protestant, and very dissenting Protestant times, no longer ago than the reign of Charles 2nd, and in pursuance of a plan of consolidation. After the great fire, in which almost all the churches had been burnt down, the Fire Act as it is commonly called, remodelled the ecclesiastical organization of the city consolidated some parishes, and provided for the erection of churches, so as to make the whole number in that district amount to sixty-seven. These churches we may presume, were then well filled, and were probably, at any rate, built on the supposition that they would in course of time be well filled. How is it that the result is perfectly different. I am not inclined to attribute this to the increase of dissent, or to any increased indifference to religion. The most efficient cause is glaringly obvious. It is the amazing decrease of the population of the city of London. In 1800 the population of the city of London, within the walls amounted to about 140,000 souls; in 1821 to about 56,000. It had been reduced to little more than one-third. In fact, as we all know, that city has become a vast collection of shops, containing houses and warehouses, occupied during the larger portion of the day by probably half a million of persons, but tenanted during the rest of the twenty-four hours by little more than a tithe of that number. But the change of manners has produced a still greater diminution of the Sunday population of the city. The very tradesman who is compelled to sleep during the week in his shop in some smoky alley or lane, rushes into the country on Saturday. His Sunday is spent in some parish out of the city, of which he is numbered as an inhabitant; the church which he uses is at a distance from the city. The churches in the city are empty, really not in any great degree from the parishioners not choosing to go to them, but from there being no parishioners to go. Now with such an example of the waste of churches before our eyes, are we going to erect new churches without carefully examining whether or not there exist causes, which may in the same way render them useless? In Charles the Second's time men might well be excused for not anticipating changes, which it took indeed a very long time to bring about, and for which the slow progress of preceding ages had ill prepared the mind. But we who live in a period in which all the elements of our social system are heaving to and fro in perpetual motion; we, of whom the oldest have seen ancient cities decline, and vast cities spring into sudden existence, as trade and manufactures have deserted their ancient seats, and rolled the floods of our population into previously uninhabited regions; we, of whom the youngest may anticipate changes yet more rapid and extensive, from the agency of these great and constant discoveries, which really seem to be annihilating time and space; are we to build churches on the speculation that our people will remain stationary within parochial boundaries, whereas the spires of many will hardly be completed, before the population will have declined, and left the deserted edifices to stand as mere monuments of our thoughtless prodigality? Look at the great manufacturing districts. Can any one tell me where the silk manufacture is finally to sit itself down with its dependent tens of thousands? Can any one tell me in what parochial divisions—for recollect we are here providing for exceedingly minute local divisions—the vast and probably increasing population of Manchester will be contained this time ten years? I am told by persons conversant with that town that precisely the same change is taking place in the inhabitants of it as I have mentioned with regard to the city of London: that it is becoming more and more the custom for the trading population of that town to transact their business there in the day, and to pass their nights and their day of rest at some distance from the scene of their weekly occupations, and that the probability is, that before many years, whole streets in the centre of the town will consist of shops and warehouses, which will imply no demand for church-room. But I need not multiply these suggestions of the probable shifting of our population. Take the instance most commonly presented to us on this question; that of the metropolis. Who can say in what part of the metropolis we can build churches, in perfect reliance on their being wanted twenty, or even ten years hence? How long will the population of Spitalfields be what it is? The population of London has been gradually deserting the centre, and extending over the extremities. Every increase of the facilities of locomotion increases this centrifugal tendency. What effects will the railroads have? It is really with reluctance that I advert to the opposite effects of these great works, because, in the kind of uncertainty in which we are as to the precise nature of their influence, I observe, that one who wants to assign inscrutable arguments in behalf of any project, which he wants to establish, without being obliged to give a satisfactory reason for it, has recourse to the *argumentum ad* railroad, and it is thus made a pretext for a rural police, and such like abominations. But I think that it is obvious, that the Sunday population of London is a matter on which the railroads must operate somehow or another. My own belief is, that they will operate most extensively, and operate to its diminution. As the population of the city of London has been transferred to the suburbs, and the villages within the bills of mortality, and as the city churches are left empty, while those of Lambeth and Islington are insufficient for their growing population,—so I believe that the tendency of circumstances will be, to draw off the permanent population, and particularly the Sunday and church-going population, to places at three times their actual distance from the centre, but which will, in fact, be brought within the same number of hours' journey. Now, Sir, I do think, that considerations like these ought to weigh with us to prevent our expending any portion of the revenues of the church in supplying what are certainly partial, and may be merely temporary spiritual wants, by an outlay of money in the most irretrievable manner, before, at any rate, we have tried every conceivable experiment for increasing our church accommodation, by means which will entail no waste, even if we fail in attracting greater numbers to our churches. I will only advert to the possibility of making some of the surplus churches in this city supply the wants of the surplus church-goers of different, but not very distant parishes — to the possibility of economising the room now wasted in fitting up spacious pews for the luxurious and exclusively rich, so as to leave the poor man neither sitting nor standing room in the church, which the audacious mockery of party misrepresentation does not blush to style, the poor man's church —to the propriety of turning your spacious and useless cathedrals to some account for purposes of public worship, ere you call for fresh funds to augment the extent of your consecrated buildings. But why not try the most obvious and most effectual expedient? Why not try, by a wise economy of time, to supply the deficiencies of space? Your churches stand all the day long. Why do they stand so great a portion of the day doing nothing? Why may they not be called into use throughout the day? I am broaching no heresy here. God forbid I should countenance the heterodox notions some of my friends appear to have as to the Lord's Day. I don't mean that different people should observe the Sabbath on different days, or on any other day than Sunday; but I know well, that neither our church, nor any other Christian Church has ever pretended that public worship is efficacious only at particular hours. Why not have service going on all day long? They do this in the Catholic churches abroad. In them there is a constant succession of congregations. You can sometimes hardly get out of church after one service, before you are caught in another. Suppose you followed this plan here; suppose you began your first morning service at six, and ended your last evening service at ten, you might have four times the number of services in the interval that you have now. You would thus provide service for the poor at the hours at which they can attend conveniently, because the time most particularly convenient for them is late in the evening; and the Dissenters, who are obliged to look more particularly to the convenience of their congregations, have their services at these hours. Thus you would, in effect, quadruple your church-room, without any expense at all in building. Your only additional expense would be some additional curates to perform the additional services. And the great advantage of this would be, that your money, instead of being laid out in erecting churches, which would be of use only one day in the seven, and only to those who might choose to attend them, would provide a religious ministration, who would be occupied all the week long, would really bring the people to a sense of religion, which they would never get from the sight of a church into which they have no inclination to go, and who would, in the course of time, induce them to go to church. Sir, I believe that this would be by far the most effectual, as well as the cheapest method that could be devised for supplying the spiritual destitution of the metropolis. But I doubt whether its efficiency would be half so great a recommendation in the eyes of the great advocates of church building, as its cheapness would be a drawback. There would be no patronage on my plan, save the rector's nomination to a few hard-working curacies. Now I see that that moderate prelate, the Bishop of London, has modestly proposed, in a letter which he published this time last year, with a view of extorting a tax on the necessaries of life, to build and endow fresh churches, and at the same time proposed that the nomination to the new livings should be vested in the bishop of the diocese. Now, Sir, I have not been able to make all the inquiries and calculations necessary to show the sufficiency of my plan for the relief of the spiritual destitution which the Bishop of London describes as existing in different parts of the metropolis; and I have found the Returns to the Ecclesiastical Commissioners so inaccurate, as far as regards the population of the one parish, as to which I have tested them, that I really cannot make any satisfactory deductions from them. But the one parish respecting which I have obtained minute, and I think accurate information—the parish of St. Margaret—the one in which we now are, and in which I happen to live, happens to be one of those constantly cited as one of the very most destitute of church-room. It appears, indeed, that the proportional want of church-room is much greater in this parish, according to the returns, than that which is stated in the Report of the Ecclesiastical Commissioners to exist in the whole destitute districts of London. The population of the parish of St. Margaret is 25,000. The number of sittings in the church, in the parish, is said to be 1,500. Here is a scene of destitution. Nearly 24,000 souls without a bench to rest on in church. Build new churches is the cry of the Bishop; lay a tax on coals to supply the cravings of these hungering souls, whose cry for church-room ascends to heaven! Now it struck me, on looking down the different columns of the Ecclesiastical Revenues Report, that the return with respect to this parish, was grossly inaccurate, in a matter of which the evidence came under my own senses. In the column of chapels in the parish I find a blank. Now I know of two, and I find, on inquiry, there was a third. I began from this to doubt the accuracy of the report. I made inquiries, and arrived at results which made me feel rather less unhappy about the spiritual destitution of St. Margaret's. In the first place a slight oversight struck me. Westminster Abbey had been overlooked; and yet I cannot make out why either the actual attendance there is to be overlooked, or why that most glorious of temples is to have the greater part of its space left useless in a parish, where there were so many souls crying out for church-room. I thought at first, that it might be too cold to sit in, or too large to hear in. But then I thought of the musical festival; and how well people could hear the fiddlers, and how comfortable people could sit and listen to them. Why might not the destitute souls make use of it? I am sure I know the musical world too well to think that they grudge the use of the Abbey to the religious world, more especially as they themselves only use it at intervals of fifty years. Leaving the Abbey, however, out of the question, and turning my attention to the church which stands by its side, and the three chapels of ease, which had also been appropriately overlooked by the great dignitaries of the Commission, I found from an old inhabitant of the parish, that the state of church and chapel-room in the parish is 3,027. Now, Sir, in order to estimate the sufficiency of this number of sittings, I first thought of inquiring how many people actually attend. Now, of course, the information I got on this point is not such as, from the nature of things, there can be any positive certainty about. But I was informed by the person from whom I got the same estimate, that the usual attendance is about 1,410. I made inquiries about the attendance from other persons; but the result was, that in this account they were rather over than under stated. Hence, in this parish of destitute souls, I find that there are 1,617 more sittings in places of worship belonging to the Established Church than are commonly used; that is, more than as many as are used. It seems, however, to be always assumed by the high churchman, that the actual attendance is no matter: that the real reason why one man does not come to the seat which is at his service, is, that there are not enough for everybody else in the parish; and that you must have sittings for all, or you can't expect those you have to be filled. Taking this ground even, I proceeded to examine whether the number of sittings in places of worship in this parish was or was not sufficient. Then, Sir, it must always be recollected, that about half of the inhabitants of every parish are always, from causes wholly unconnected with their religious opinions or feelings, unable to attend divine service. There are the sick, the infirm, aged, children of tender years—those who look after all these—those who are forced to stay at home and keep house. Now, in this parish, there are sittings for 1,850 persons in the dissenting chapels, which are always filled. As you must suppose, that for each of these, there is one kept away for the reasons I have just been mentioning, you may fix the number of Dissenters provided for on the voluntary principle at 3,700. Deduct these from 25,800, and there remains 22,100 members of the church, or persons of no religion at all, who are always counted among them. Halve them, and you have 11,050 persons, for whom sittings must be provided. Now for these 3,027 sittings are provided. Now I say nothing of taking the Abbey to account. By the plan that I have been mentioning; by trebling the number of services, you may, with the present number of churches and chapels, very nearly supply church accommodation for every soul in the parish who can by any possibility be supposed to want it. Sir, I must beg pardon of the House for troubling it with all these parochial details: but really I think it much more profitable to investigate the truth in one of the corners of the question, than to wander about on a wild plain of vague and unsupported speculations. Here I think the facts are pretty certain; and I think that if you are satisfied that the demand for more churches is unreasonable in St. Margaret's, you overthrow about the strongest case which our opponents have to rely on. I have done with my parish matters. Though I should like to add, that I am told the parish is in great straits about an arrear of Church-rate, which it cannot now collect; that applications for aid have been made to the great Tories and good Churchmen, who dwell in Privy-gardens and Richmond-terrace, in the parish; and that these friends of the church hate the voluntary principle so much that they won't even pay for their churches without being compelled by law to do so. Now, Sir, it may perhaps be said, that even if I have succeeded in establishing my point, against the building of churches, I have rather made out the case of the other kind of destitution, for which the hon. Member for Cupar contends, that according to my own showing there is a want of religious Ministers, and that I am bound to apply this new fund to increasing their number. I admit the want of clergymen in many districts and of funds in those districts to pay them. But I do not admit that this new fund is required for them. Not a farthing of it shall they ever have with my consent. The Church of England is rich enough to provide for itself. The enormous wealth of that establishment is quite sufficient to provide with care for all its wants, were it only honestly applied to purposes of religion, instead of being jobbed. It is shameful, not to the country, which has been most generous, but to the clergy, who have been unfaithful stewards, that there should be any deficiency of Clergymen in any part of the country, or any deficiency in the provision for any of its hard-working members, which we ought to provide. The provision which the State originally made they have misapplied, and are determined to misapply: and then, in consideration of the importance of religious objects, they ask the State to come forward and remedy the misapplication out of its own funds, not out of those which are mis-applied, and make a fresh grant in order to effect the purpose of which it originally endowed the church. Now, Sir, we are told that there is a great deficiency of ministers of religion in this metropolis, and other populous districts: that there is a grievous number of souls with hardly any parson to take care of them. And pray, Sir, is there not a grievous number of parsons with hardly any souls to take care of? Is it not rather hard that the church should stretch out its hands to clutch hold of additional funds, in order to pay an additional number of really hard working clergymen, while a vast portion of its funds goes to pay clergymen who hardly do any work at all? Is the number of clergy in the Church of England altogether insufficient? That is the question: because if the church can remedy the existing evil from its own body, why should we give it more money in order to increase the body of its clergy? Now, Dr. Chalmers, in the discussions which he has had with the Scotch Commissioners, and which are given in the Report lately distributed, states that a clergyman may very probably have the care of from 2,000 to 3,000 souls? Mr. Baptist Noel, in his pamphlet, I think says about 2,000. Now, as both of these are clergymen who have rather extraordinary high notions of pastoral duty, I think I may safely take the mean of Dr. Chalmers's two numbers, and assume that a clergyman can very properly attend to 2,500 persons. Now, the population of England and Wales is 13,897,187. The number of benefices is 10,718. Every parochial minister has therefore on an average 1,289 souls, including Dissenters, under his pastoral care: excluding Dissenters, who according to a statement on which Mr. Noel relies—I do not know where he got it, but I am sure that all recent information, got with increased accuracy from particular localities would lead us to think that the number of Dissenters is much larger than has been supposed—amount to 2,897,187, the average for each Clergyman is 1,026. So that even including Dissenters, the average number of souls under the care of each parochial clergyman in England and Wales, amounts to just one-half of the number, which he might superintend—deducting Dissenters, to just two-fifths of that number. And can we find no way of remedying a few local inequalities, except by adding to the numbers of a clergy already twice too numerous for its flock? It may be said, I know, that the proper number of a clergy cannot be settled by a mere reference to population, that the extent of the country must also be taken into consideration; and that we must not expect a clergyman to exercise a proper superintendence over even a moderate number of souls scattered over an inconveniently large extent of territory. This is right, and therefore, in order to see what proportion the number of our clergy bears to its work, I have made a territorial calculation corresponding to that made with reference to population. The number of square miles in England and Wales is 57,812. Divide this by 10,718, the number of benefices and the average contents of each benefice appear to be 5.4 square miles. Now, even on this territorial view, it will not appear that I have been incorrect in stating that there are twice as many benefices as there ought to be. For if you united every two parishes, it would appear that the average contents of each of these increased parishes, would be 10.8 square miles. It is easy by calculation to see that each of these would be a square of 3.3 miles. This would be a district, of which the central point would be distant two miles and not quite a-half from the furthest, and a little more than a mile and a half from the nearest point of its extremities. I don't mean, of course, to propose cutting up the country into these squares. I would not alter a single parochial boundary, or remove a single church. But if such be the average, we might, I think, safely come to the conclusion, that the Church of England might very efficiently be served by half its present number of ministers. The fact is, that the superfluity of clergymen in particular districts is quite amazing. The diocese of Norwich contains as many benefices as all Scotland. I have taken the trouble of going over the list of incumbents in this diocese, and noting the number of souls really under the care of the richest clergy. And I find that 185 beneficed clergymen in that diocese, being one-fourth of the whole number divide an income of no less than 164,033*l.*, and have charge of flocks amounting in the whole to 131,107 souls; being an average income of nearly 900*l.* a-year, and an average flock of little more than 700; being almost at the rate of 1*l.* 5*s.* a soul; the rate in some of the most populous parishes in London being from 4*d.* to 8*d.* a soul. In the diocese of Ely there are thirty-six clergymen, being also about a fourth part of the whole number, whose whole annual income is 44,558*l.*, and whose united flocks amount to 39,989 souls, giving an average income of 1,238*l.* a-year, and an average flock of 1,100 souls, being just about 1*l.* 2*s.* 3*d.* a soul. But the most curious result is that obtained from investigating the very diocese about which the chief complaint is made, and from which the chief complaint comes—I mean the diocese of London. Now, the Report of the Ecclesiastical Commissioners states that there are in this unhappy region more than 1,000,000 of souls, with only 139 clergymen to look after them. If this be correct, and apply only to the diocese of London, there must be a wonderful compensation in some other part of the diocese; for I find, from the returns, that the population of the diocese is altogether 1,791,394; and that the number of resident parochial clergy, including resident incumbents, substitute-curates, and assistant curates, amounts to 761; so that here there is a clergyman to every 2,354 souls, giving each a flock a good deal less than the manageable size, according to Dr. Chalmers. Nor are these, on the whole insufficiently paid, for the average income of incumbents, deducting curate's salaries, is 344*l.*, and that of the curates 100*l.* The fact is, Sir, that nothing would be so easy as for the church to provide for these destitute districts out of the ample resources of its over-paid dignitaries. I proposed a plan last year which would have completely relieved the destitute districts of the metropolis; and I beg leave to observe here that to my hon. Friend the Member for Weymouth and myself is due the credit of first calling the attention of the House to this evil, and others mentioned in the Report of the Ecclesiastical Commissioners. I ventured last year, on the bill fixing the incomes of the bishops, to propose a diminution of the incomes which the noble Lord had generously assigned to the bishops. I did not go to the terrible length proposed by that shining light of the church, Mr. Noel, who would cut down the bishops to 2,500*l.* a-year each. I propose the Archbishops should have 8,000*l.* and 7,000*l* a year, the Bishop of London 4,500*l.*, and the rest of the bishops 4,000*l.* a-year each. I grounded this upon the paramount necessity of providing for these cases of spiritual destitution. My plan would, in fact, have completely provided for the metropolitan destitution described by the Commissioners. They say that there are only 139 clergymen among 1,137,000 souls, leaving at the rate of 2,500 for each clergyman, a deficiency of 315 clergymen. Now, my proposal would have taken off 48,792*l.* a year from the present incomes of the bishops. This would have given 150*l.* a year, nearly double the average pay of a curate, and more even than the usual pay of a London curate, to 325 additional curates. It might be supposed that such a proposal would have been eagerly caught at by those Gentlemen who are now so horrified at the state of destitution of these souls, who say that it is guilt and sin in us to leave them in that state; one of whom says, that the thought of them would prevent his laying his head on his pillow in peace had he not done all he could to relieve them. Sir, I was defeated, and in the list of the majority against me I have the mortification of seeing the names of Sir Robert Peel, Sir James Graham, Sir Edward Knatchbull, and (will you believe it?) even that of the Gentleman of uneasy slumbers—the right hon. Henry Goulburn—who I dare say has nevertheless since that sad and sinful vote slept just as soundly as he has done during the many long years through which he had been in Parliament and in office, and never been disturbed by the howling of these famished souls. Again an appeal is made to us in behalf of some poor hard-working clergymen, who are to have incomes on which it is impossible for gentlemen to subsist in comfort; nothing, according to the usual practice, being said of those clergymen, who have very gentlemanly incomes, and little or nothing to do. Now, in the mere circumstance of some clergymen having only 150*l.*, 100*l.*, 80*l.*, or even 50*l.* a-year, I see no great harm. If there were a proper system of promotion in the church—if clergymen advanced from the lowest to the highest emoluments of their profession according to merit, or length of service, I don't see what harm there would be in their starting on an income of even 50*l.* a year. It is more than an ensign, much more than a midshipman begins upon, more than a lawyer or physician, is likely to get after five years of getting nothing at all. The real hardship is, that while the favoured relative of some great Church patron steps at once into one or two good rich livings, the unfortunate man who begins on a 50*l.* living, grows grey on the same scanty pittance, and works out a long life in hopeless penury. But this is one of the evils of the system of lottery so much vaunted by Paley, by so many bishops and dignitaries. No one wishes more heartily to see altered a system which appears to me ill-suited to the Church Establishment. Alter it as soon as you like, and substitute a more equal system. But while you keep the lottery system, and vaunt it, don't come to ask us for fresh funds to enable you to make it a lottery without blanks. The Church of England, is, indeed, quite wealthy enough to enable it to put an end to this cruel and immoral system of inequality. It has of late been said, that the accurate account recently obtained of its income, prove that the notion of the great wealth of the Church is erroneous: that the average income of every working clergyman in England, from the archbishops down to the curates, amounts only to somewhere about 300*l.* a year. Well, Sir, even this would be an enormous average. No other profession in this country has anything like such an average. It is generally supposed that the average gain of lawyers and medical men is nothing; that is, that as much is annually lost by the members of these professions as is gained. I don't quite believe this; but I don't suppose the average is half of 300*l.* a-year. With respect to the army and navy, I have gone through the accounts given in the estimates, and the average appears, in both, to be about 150*l.*; that is, just one-half of that of the church. This, recollect, is according to information furnished by the clergy themselves, in which, we may depend upon it, the highest estimate is not always given; from which all the incomes from fees, and all that from various endowments, has been omitted. Recollect, too, that the Church is the profession of all in which living is cheapest, the profession with most leisure, or at least with the leisure generally most lucratively employed. Recollect the various subsidiary sources of income, from colleges, chaplainries, charities, and from education, the whole business of which is in the hands of the clergy; and I think it must be admitted, that even with its present numbers, the clergy is beyond all measure the best paid profession in England. But if we want to know how far the church revenues could, by good management, be made to supply all its wants, we must examine also among how many its revenues ought to be shared. I believe that the numbers of the clergy are, at the least, twice too great; and that if their revenues were shared among the number necessary for the work to be done, the average of each would be 600*l.* instead of 300*l.* I have given my reasons for believing that half the present number of benefices would be quite sufficient. If my reasoning be correct, the average income of each incumbent of a living would be 570*l.*, instead of 285*l.*, as it now is. This is what the church might make the income of each of its working members. Putting out of view all that is wasted on bishops and cathedral sinecurists, this is the income which, from parochial revenues, might be allotted to each of the parochial clergy. If you give, as has often been proposed, about 500*l.* a-year to every clergyman, you would have a surplus of nearly 400,000*l.* a year. I do not propose to take this from the church. Let it keep all it has. But I say that it is shameful in a body so enormously wealthy to come before us as a mendicant. It is most unwise in a body so enormously wealthy to provoke a scrutiny into its revenues. I hope, Sir, that I have not unpardonably trespassed on the time of the House, or greatly wearied it. I know not whether the details I have given have been calculated to interest the House, but I have taken much pains to get them prepared, because it appeared to me that, by means of them alone, I could properly grapple with the delusive notions so long and so assiduously propagated, respecting the extent or the urgency of these spiritual wants, which are represented to be paramount to the necessity for putting an end to the present mischief of Church-rates. I have laboured to show that this destitution, of which so much has been said, is one which we ought not, under any circumstances, to apply any additional funds to relieve. We ought not to spend money in building new churches, because they are not needed; we ought not to spend it in augmenting small livings, or founding new ones in particular localities, because the revenues of the Church, if properly used, would suffice, and much more than suffice for both those purposes. But we ought to apply the funds now placed at our disposal, first and foremost, to the abolition of Church-rates. There is nothing which the public, nothing which the Church needs so much, as the removal of this most vexatious impost, and the establishment of an assured provision for the maintenance of our churches. The first thing needful for the church is to take its hands out of other people's pockets. All the reasons which made the right hon. Baronet, the Member for Tamworth, agree to the abolition of the Irish Church-cess, appear to me, in spite of his salvo for the "very peculiar circumstances of Ireland," to apply with pretty nearly the same force to the English Church-rate. The grant of it depends on the will of a body independent of the church, namely, the vestry. "It is for the interest of the church itself to abandon it." By making some other provision for the repair of churches, we shall remove a cause of disunion and hostility to the establishment, which it is not worth the while of the church to incur for such a trifling amount. I know, Sir, that some Gentlemen, for whose opinions I have a great respect, think that there is no occasion to decide between the relative importance of the two purposes to which the ministry on one hand, and the hon. Member for Cupar on the other, proposes to apply the newly-created fund, that, be the application of the latter what it may, rates may still continue to be levied, and the fabric of the churches maintained out of it; and that Dissenters ought not to be relieved from paying rates, inasmuch as their scruples would equally extend to not paying tithes. Now, I cannot admit that tithes stand at all on the same footing as rates; and it appears to me to be a violence to all common sense and feeling to consider the latter a property as the former. There is all the distinction between the two that there is between a national property and a tax. Tithes are a national property of definite amount. The tithes of my estate are no more my property than my neighbour's estate is mine. Whatever be their amount, however much or however little may be required of them, I have no right to any portion of them. The other is a mere liability to pay whatever may happen to be judged requisite to be raised in each year for a particular class of purposes. The claim is not fixed; it may be at any time increased or diminished to almost any extent by accident or by design. Though in buying an estate I make a deduction of course on an estimated average of past Church-rates, as I should on a similar average of past injury by floods, there is nothing to prevent my reducing the future outgoing on the one score just as I should on the other. By vigilance, by economy, by avarice, by my influence with my fellow-parishioners, I may get rid of the charge altogether, or in great part. It is a mere liability to pay what I choose to pay. Such a charge is no property; it is a tax, of which I may as fairly demand the repeal as I may that of the window-tax or the malt-tax. I grant that the Dissenters in urging the repeal of this tax have sometimes used language which might equally extend to the non-payment of tithes, but we are not to be influenced by the imprudent language of people in a state of excitement. I think we must admit that a Dissenter, who does not at all desire to disturb the present distribution of the national revenues, and will be quite content to acquiesce in the maintenance of the Church Establishment out of its present fixed revenues, may still fairly object to imposing a specific tax on himself for the purposes of a church from which he dissents. This is no longer mere quiescence. It is a kind of active step in favour of the Established Church: and at which I think that his conscience and his pride may fairly take offence; and one on which it would be prudent to give him no opportunity of entertaining or showing anger. And now, Sir, allow me to conclude with one parting piece of advice to the Gentlemen opposite who affect the character of exclusive guardians of the church. These are not times in which it is the policy of the church to resist concession as long and grant it as grudgingly as possible. You go on the false principle that the church must not show weakness, and therefore that it must not acknowledge abuses. Its true policy would be to probe the seat of its weakness, and remove the abuses which are its causes. Here is a miserable claim of a nature wholly inconsistent with the policy of church establishments, which irritates the public against the church, while it affords the church an uncertain and insufficient provision for its wants. And this you obstinately prefer to the secure and sufficient provision which is offered you, and invent fictitious claims to dribble away the funds proposed as a substitute, merely that you may display a petty mark of superiority, which must weaken, instead of, as you vainly imagine, strengthen the church. How far wiser were those ancestors, whose wisdom you vaunt, but cannot decorate by a just emulation. They knew the principles on which a church should be established, and when they endowed a perpetual succession of teachers of the people with fair lands and ample manors, it was their wise design to elevate their clergy above an ignoble strife for the means of subsistence—to free the church from the necessity of having to struggle, day after day, to extort from the caprices or poverty of the people the provision for its daily wants. This Church-rate is an inconsistency—an anomaly. Had you comprehended a true Conservative policy—had you really at heart the interest of institutions, not of a party—were you battling for religion and not for Toryism, you would be eager to remove this source of weakness from the church.

Mr. *Stuart Wortley* representing, as he did, a constituency in which there were a great number of Dissenters, felt it his imperative duty to state the grounds of his objection to the present measure. He was glad that he followed the hon. Member for Liskeard, because he had divested the question of the mystery in which it appeared to be enveloped; and if he had understood the hon. Gentleman's speech rightly, he had avowed himself a plain, and undisguised enemy of the Church Establishment. Was he not an undisguised enemy when he said of the Church it should take its hands out of other people's pockets? This was the language of the hon. Gentleman, and no one could infer from it that he at least was friendly to the Church. He could not support the amendment of the hon. Member for St. Andrew's although on one point he fully agreed with him, namely, that the means of religious instruction should be increased. He, however, doubted many of the facts stated by the hon. Member for Liskeard, and more particularly his statement with regard to the condition of the Churches in the City of London. His hon. Friend well knew that during a season of the year, when every one whose business did not compel them to remain in town, the Churches at the west-end might be thinly attended; but on the other hand, if he had ever visited the Churches in the City he would have found these places of worship, even at that season very fully attended. He had often been been astonished at witnessing the crowds which filled the Churches in Fleet-street and other parts of the City; and it did not follow that, because some small Churches might at certain times happen to be deserted therefore they were of no value, and ought to be closed up. The hon. Member had stated that pews were given to the rich, while the poor were excluded. He agreed with him in stating that the regulations respecting pews ought to undergo revision, and that, under the present system, there was not sufficient accommodation reserved for the poor. But when his Learned Friend stated that there were too many Clergymen in proportion to the population he was at a loss to conceive on what data he had formed that opinion. There was only one return from which information on that subject could be derived, and he (Mr. Wortley) was sure his calculations would not be borne out by reference to that document. He had stated the number of benefices and the Clergymen belonging to them, but in that statement he must have included those who were superannuated, or the number never could have amounted to anything like what he had described. He admitted that Curates were wanting, but he said they should be paid out of the incomes of the Bishops. Was not this, however, an argument against episcopacy, and would the noble Lord and those who sat on the same benches with him sanction this doctrine of his hon. and Learned Friend? His firm belief was, that there were many amongst the dissenters who entertained the most liberal and enlightened views with regard to the Church of England, and, in support of that opinion, he would quote a passage from the work of a distinguished author belonging to that body — the Reverend Robert Hall. In a sermon published by him he thus alludes to the subject. The title of the sermon he could not help thinking was extremely apposite:—

"Notes of Sermons.—XXXII.—On Candour and Liberality, as evidence in promoting the Erection of Places of worship. (The last Sermon but one, preached at Bristol, 27th of February, 1831.)

* * * * "The increase of places dedicated to public worship ought surely to be no matter of lamentation or offence. They are rendered necessary by the increase of population. It is this which renders that accommodation quite inadequate at present which was sufficient in former times. The edifices devoted to the established religion in our country are plainly too few, and the accommodation afforded, to the poor especially, too scanty, were

the people ever so well disposed to accommodate all who might wish to resort to them."

He fully admitted, that the present law of church rates was extremely unsatisfactory and he had often deeply to deplore the dissensions and bickerings to which it had given rise. Feeling, as he did, that some change was necessary, and that it was of the most paramount importance that the question should be speedily and satisfactorily adjusted, it was with the utmost reluctance he felt himself obliged to resist the present measure. He also deeply regretted that the noble Lord opposite had abandoned his own declaration on this subject, because he felt convinced if he had not done so the amount required would have been supplied from the funds of the State. And, although Lord Althorp's plan was in many respects defective, still, from his anxiety to bring the question to a settlement, it should havehad his support. The Ministers were themselves the authors of all the mischief that had been done since that plan was first introduced, because, instead of following the recommendation of the Ecclesiastical Commissioners, who said that it was a subject that demanded immediate attention they had gone on from that day to the present without taking a single step to remedy the evil. He would show to the House that some Bills were prepared in 1835 by Members of the present Government by which it was proposed to remedy all the grievances of which the Dissenters complained. He would show it by the speech of the right hon. Baronet opposite. on his return for Nottingham, as reported in the *Morning Chronicle* of January 7 1835. The right hon. Gentleman was reported to have said that the Government of which he had formed a part was prepared before the late dissolution with "a measure of full relief for all practical grievances under which Dissenters laboured." This, of course, must have included the Church rates, and the right hon. Baronet added, according to the report in the *Chronicle*, that "he was one of a section in the Cabinet to whom the preparations of those Bills had been intrusted and he had them now at home." Why had not those bills which were to prove so satisfactory been brought in? Had they been delayed for the purpose of ascertaining the wishes and humouring the followers of Ministers? If that were so it was one of the chief causes which raised the present ill-feeling towards the Church, for Ministers by not bringing forward those decisive measures—by allowing the adjustment of the question to be so long in abeyance—had raised a spirit which would not be satisfied with anything short of the total subversion of the Church. Ministers knew that the revenues of the Church were barely sufficient to minister to its uses. This was admitted, and therefore it was their duty to settle as early as possible every question connected with those revenues. The truth was, that the Opposition side of the House was misled by the statement made in 1835, with respect to the intention which was then said to exist of remedying fully all the grievances complained of by the Dissenters. Whilst he accused Ministers of increasing the difficulties with which this question was surrounded he did not mean to deny that there were many and great difficulties inherent in it, and that its adjustment would be a matter of the greatesst utility. He, however, did not think that the mode proposed by Ministers was the one which would insure its proper adjustment. He had carefully read the pamphlet written by the hon. and learned Attorney-General upon this subject, but could not concur with him in opinion that the Church-rate was one the collection of which could not be enforced. He would wish to avoid the apparent pedantry of alluding to ancient laws and usages, but he believed he could show that these rates were subject to the ecclesiastical jurisdiction, and that their payment could be enforced by the common and by the statute law. He fully concurred in this respect in what had been urged last night by the hon. Member for Bridport. A distinction had now been made with regard to the law as respected Church-rates between England and Scotland, but he found between the two a curious coincidence. The latte , by the law of Scotland was appropriated to the maintenance of the poor, of the clergy, and of the fabric of the Church. The rule, however, was one arising out of the Roman Canons, which were not adopted by the Church of England unless they were engrafted on the common law, and that these had been so engrafted was a matter of extreme doubt. The law of Scotland, by a statute of Mary, required one-third of the rate to be paid by the clergy and two-thirds by the parishioners; but in Scotland the word parishioners meant the landlords. The parishioners in England meant all the inhabitants. If the opinion of the Attorney-General were right why was he not supported by the other law authoritites? It was true he had the support of one of his colleagues in office, but it was given in a strange manner—for he admitted that parishioners might be sued individually for the amount of the rate when it was made by the church-wardens, but he, at the same time, argued that this mode was so cumbrous and inconvenient as to do away altogether with the right. Now, this was the state of the law as respected the enforcement of building bridges before the time of Henry 8th, and yet the right of enforcement was not done away with. The Highway Act had the same difficulties to contend with, and yet the enforcement of its provisions was not found inconvenient or cumbrous. But, allowing the machinery to be cumbrous or inconvenient, did that do away with the right? The hon. Gentleman here referred to Lord Coke, to show that the right of enforcing the rate was founded on one of the highest and most ancient authorities recognised by the law, and cited an instance in illustration. He also referred to the bill brought in in 1836, as recognising the right of making and enforcing Church-rates, by means of the ecclesiastical law, and the power of confirming the rate so made in the Quarter Sessions. How, could the hon. and learned Attorney-General overlook this admission in a Bill drawn up by one of the highest law authorities? In answer to the hon. and learned Member for Liskeard, who had asked, who was to be plundered by this measure, he would say it was not the Church, but the people. If the Church were to be maintained for a sect, he would be on the side of the hon. Gentlemen opposite, but as it was not the Church of a sect, but the Church of the people, he would endeavour to support its efficiency. By the common law of England every destitute man was entitled to relief; by the same common law every man in England, be he rich or poor, had a right to spiritual instruction; and if the means of affording his instruction were alienated the right would be alienated also. If the Church-rates now paid were to be remitted, and to go into the pockets of those who paid them, a transfer would be made from the people of funds peculiarly and immemoriably appropriated for their use. He would not then enter into the question as to how private rights would be affected by the proposed measure, but he knew of one instance in which it would operate with great severity. Another objection to the proposed measure, was, that if the principle upon which it was founded were to be carried thoroughly out it would prevent the making of public grants to all other Churches. The amount thus granted at present, as appeared from the miscellaneous estimates, was 37,966*l*. For his own part he was always glad to see religious instruction disseminated. He was rejoiced to see the Dissenters engaged in such a work, and he would be happy to afford them every assistance in his power. He held in his hand a recommendation from Australia, to give to the Catholic clergyman there 500*l*. In Australia, the Roman Catholics did not recognise the scruples which were expressed at the other side, for they hailed the coming amongst them of a Protestant bishop to assist in the dissemination of Christianity. In Van Dieman's Land a grant of 200*l*. was given by Government to the Roman Catholic clergyman. This was in the true spirit of Christianity. Before he sat down he would refar again to the Divine whom he had already quoted, and who was an ornament to any sect or to any country. The beauty of the passage was such an inducement that he could not refrain from quoting it, as forming a strong contrast with the conduct of those ministers who bore so great an acerbity towards other sects. The passage was as follows:—

> "Till the Legislature will exert itself, by adopting some effective measures for the more extensive accommodation of the people in parochial churches, no enlightened friend of religion will complain of the supply of this deficiency by the exertion of persons out of the pale of the Establishment. It is above all things, necessary to the welfare of the State, to the salvation of souls, and the glory of God, that public worship should be supported and upheld, in what edifices, or with what forms—providing heresy and idolatry are excluded—is a consideration of inferior moment. We do not differ from our brethren in the Establishment in essentials; we are not of two distinct religions; while we have conscientious objections to some things enjoined in their public service we profess the same doctrines which they profess; we worship the same God; we look for salvation through the blood of the same Mediator; we implore the agency of the same blessed Spirit, by whom we all have access to the Father; we have the same rule of life; and maintain, equally with them, the necessity of that 'holiness, without which none shall see the Lord.'"

These were the true principles of religion, and by these principles he would desire to see all men actuated.

Mr. *Fowel Buxton* agreed with one of the doctrines of the hon. Member who had just sat down, that every one had a right to religious instruction who required it; and he also fully subscribed to the eloquent quotation which the hon. Member had read from Robert Hall. His only wonder was, that the hon. Gentleman did not vote for the motion. He (Mr. F. Buxton) was most anxious to relieve himself from a charge—an undeserved charge—made against him by his hon. and learned Friend, the Member for Tipperary last night. That hon. and learned Member said, that in the former debate on the subject under discussion he (Mr. F. Buxton) had not spoken or voted; now the contrary was the fact; for he had not alone spoken, but spoken strongly, and he had also voted. In the most perfect good humour he would beg to remind his hon. Friend, that it was a rule of the learned profession to which he belonged, that the prosecutor should come into court with clean hands. Did his hon. Friend do so? He (Mr. F. Buxton) had looked in vain for his speech on the motion, and for his vote on the occasion; but though he found his own speech and vote he did not find even the name of the hon. and learned Member. He would now come to the more immediate matter of debate. There were two clauses in the motion of his hon. Friend, the Member for St. Andrew's, which he (Mr. F. Buxton) should support; the one for raising certain moneys, and the other for their application to the religious destitution of the people. In one of these the hon. Member would have the co-operation of the Ministerial side of the House; in the other he would have the support of the opposite side. He besought the right hon. Chancellor of the Exchequer not to suppose for a moment that he had changed a single portion of his opinions on the subject of church-rates. The country was under a great obligation to the right hon. Gentleman for having discovered the fund in question. [*Laughter*.] Hon. Members on the other side of the House might laugh at it, but he, though a long time in Parliament, had never known cause to return them thanks for a similar discovery during their protracted tenure of place and power. His right hon. Friend would double the obligation by finding another fund in the same quarter for the extension of church accommodation and the increase of the salaries of curates. He (Mr. F. Buxton) was of opinion, that church-rates ought to be unconditionally abolished, both for the sake of the Church itself, and the sake of religion; for he had seen much of the disastrous effects which had sprung from that prolific source of evil. Putting church-rates into one scale of the balance and the religious destitution of two millions of people in the other, there could be little doubt which would preponderate. He would now turn to the most difficult part of the subject. He was not of opinion that he could convince the Chancellor of the Exchequer, but he would confess he should be rather surprised, after hearing the sentiments of the hon. Gentlemen on the other side of the House, if the motion of his hon. Friend did not receive their support. What was the never-failing topic of their speeches, particularly of the speech of the right hon. Baronet opposite on a former occasion? The religious destitution of the people. Nay, there was a positive pledge given on that occasion by the right hon. Member for Cambridge, who said that funds might be raised from the Church for the purposes of the religious instruction of the poor without injuring in the slightest degree its property. [Mr. *Goulburn* had never made such an assertion.] His argument then fell to the ground, as he thought the right hon. Member had made such observations. At all events he was quite sure, that all hon. Gentlemen who spoke on that side of the House had agreed, that if there was any surplus of Church property, it should be applied to the relief of the religious institutions of the people. That was the object of the present motion of his hon. Friend. Would they agree to it? He should not again go over the arguments used on the subject; but he felt bound to say, that he believed the dignity of the Church would be best upheld by extending the instruction of the people. He, however, doubted whether the motion would have the support of the other side of the House; for Gentlemen there dealt so much in vague generalities that he was sure, if it was dependent on them, there never would be a sixpence advanced for the purpose. That had been proved by their conduct in respect of his own motion last year, for the reduction of the income of the dignitaries of the Church to increase those of the curates. On that occasion the right hon. Gentlemen opposite were ready to tear him to pieces, though he had used the same arguments as themselves in a recent debate.

Sir *James Graham:* Not having presumed on the former occasion, when this subject was introduced to the attention of the House, to deliver his sentiments on it, thought he might perhaps be excused if he then ventured to trespass on the indulgence of the House for a short time, not being willing that a matter of such paramount importance should go to a division, without endeavouring, however imperfectly, to express his opinion upon the motion, as originally introduced by the Government. And here again he must express a feeling which, coming from him, was received with something like a sneer from the other side of the House on a former occasion; yet still pressed upon him so strongly that he must repeat it, that he could not help deeply regretting that all political subjects of paramount importance on which the opinion of the House was required to be taken, were now, unfortunately, mingled with the higher subject of religion, which unhappy intermixture had the effect, in his opinion, of desecrating one, and adding to the acerbity of the other. He might sometimes, in the warmth of debate, be betrayed into expressions which, being unguarded, he should regret; but the sentiment he had just expressed, conveyed nothing more than his sincere and deliberate opinion. He particularly objected, also, to the practice of pointing out or particularising the religious opinions of any particular Member, and considering them in reference to the course he pursued in that House. He regretted the extent to which this practice now prevailed in the House—a practice too commonly resorted to by the hon. Gentlemen who sat opposite. What, last night, was the designation applied by the hon. and learned Member for Tipperary (Mr. Sheil) to the hon. Member for St. Andrew's, who moved the amendment? If he mistook not, the hon. and learned Member called that hon. Gentleman the Scoto-Calvinistic Member. That was an example which he should be sorry to follow; but, at the same time, he thought it his duty to call the attention of the House, and more particularly of the public, to one remarkable fact. When his hon. Friend, the Member for Westminster, last night distinctly charged his Majesty's Ministers whenever Church questions were concerned, with a leaning to the Dissenters, and with bitterness and hatred to the Established Church—who was the hon. Member who rose to advocate the conduct of the Government? Was it one of his Majesty's Cabinet Ministers? Was it one of the advisers of the Crown? No; it was a Roman Catholic Member—no other than the hon. and learned Member for Tipperary—no other than the hon. and learned Member for Tipperary, who, fighting in the first rank, and actuated, he imagined, by the zeal which he was bound by the most solemn obligations to observe, in maintaining the Protestant interest in this country, boldly came forward to throw a shield over the Ministry, declared the statement of the hon. Baronet, the Member for Westminster, not to be well-founded, and attempted to show, that the policy deprecated by his hon. Friend (Sir Francis Burdett) was not that which had been pursued by his Majesty's Ministers. Something very important, also, transpired in the course of the speech of the hon. and learned Member. The hon. and learned Gentleman gave the House very distinctly to understand—he did not know whether he might be allowed to use the word "compact,"—but the hon. and learned Gentleman certainly gave the House to understand that there existed something like a strong and well-organised union between the Roman Catholics of Ireland and the Protestant Dissenters of England. Stripping the observations of the hon. and learned Member, of the splendid and glittering phraseology in which they were delivered to this House, and yet not descending to the homely, he had almost said the gross terms, employed by the hon. and learned Member for Liskeard (Mr. C. Buller), who said, that the understanding between the two parties was happily expressed in the vulgar phrase, "Scratch me, and I'll scratch you"—avoiding the glitter of the one hon. Gentleman, which he could not hope to imitate, and the homeliness of the other, to which he would not descend, what was the substance of the observations last night made by the hon. and learned Member for Tipperary, in reference to the relative position of the Roman Catholics of Ireland and the Protestant Dissenters of England? "We are grateful," said the hon. and learned Gentleman, "to you, the Protestant Dissenters of England, for your endeavours to assist us in putting down the Protestant Established Church in Ireland. We owe you a debt of gratitude, and no effort shall be wanting on our part to assist you in your endeavours to do the same in England." Now, the charge brought forward by the hon. Baronet, the Member for Westminster, was this—that in all their transactions where the interest of the Established Church was concerned, the leaning of the Ministry was to the Dissenters; and that, in many of their recent proceedings, their hostility, not avowed but covert, might be distinctly traced towards that Establishment which the King their master, at the commencement of his reign, bound himself, by a solemn compact with his subjects, to protect, defend, and uphold. What had been the conduct of the King's Ministers, with regard to the Established Church in Ireland? He admitted, that this subject had been debated *ad nauseam;* but it was right to trace the proceedings of the Government in Ireland, for the purpose of sustaining the truth of the proposition laid down by the hon. Baronet, the Member for Westminster—that this had been the conduct of his Majesty's Ministers with respect to the Church in Ireland. He did not know that he could describe that conduct more shortly, or more tersely, than the hon. and learned Member for Tipperary himself had done. The hon. and learned Member for Tipperary last night distinctly announced, not only that the Ministry, but that the Whigs, as a party, were irrevocably bound to the grand principle of the alienation of the property of the Church to secular purposes in Ireland. The hon. and learned Member for Tipperary himself declared, that that was the effect of the appropriation clause, and, if the Government which he saw opposite, could be said to rest upon any principle whatever, he imagined that that must be regarded as the foundation of the administration. He would pass, for a moment, from Ireland to Scotland. What had been the policy of the King's Ministers with respect to the Established Church in Scotland? Here they were talking of a Church property, different in its character from that of England. Speaking of the Scotch Established Church, they could not talk of a pampered prelacy, sinecure dignitaries, or idle pluralists—they could talk only of a church established upon principles almost of republican simplicity—a church having a deep place in the hearts of the people—a church in defence of the purity and integrity of which their forefathers had fought and bled, and which still maintained its treasured place in the feelings and affections of a great majority of the inhabitants of the country. What had been the conduct of the Ministry with respect to that Church? Since the Union, the population of Scotland had, he believed, doubled in number; yet the Church accommodations had increased only about one-tenth. These facts were notorious. There might be differences of opinion as to the want of Church accommodation in England, but in Scotland the fact was admitted, and admitted in the most striking and convincing manner. Scotland was a poor country, yet, within the last few years, no less a sum than 165,000*l.* had been raised by private subscription for the purpose of building new churches. And what was the nature of the application made by the subscribers to the Government upon the subject? They said, "With the sums we have raised, we can build many churches, but we are not able to endow them; we are anxious, therefore, that you, the Government, should apply to Parliament to grant a sufficient sum of money for that purpose." What was the answer of his Majesty's Ministers? Not choosing to rely upon facts which were sufficiently notorious to all but themselves, they said, as usual, "We will issue a Commission to inquire into the subject." At first, the Commission was to be general; so general, that it was foreseen that the inquiry would be interminable. The noble Lord, the Secretary for the Home Department (Lord J. Russell), after much difficulty, at last consented that the inquiry should be local; and after two years had been consumed in the investigation, a report was at length furnished with respect to the city of Edinburgh, by which the fact was clearly established, that in that city and its neighbourhood, there were not less than 64,000 people wholly unprovided with Church accommodation. At Glasgow, the Commissioners commenced their inquiries in the spring of 1836, and very nearly concluded them in the course of the summer of that year; yet up to the present month of May, 1837, only one report, that of the city of Edinburgh, had been laid before Parliament. No report of any kind had been furnished from Glasgow, nor from any other part of the country, except Edinburgh; and yet the cost of this commission to the country had not been far short of 20,000*l.* If the Government had only consented to give a moiety of that sum to the parties by whom 165,000*l.* were raised, the wishes of the people would have been met and the expense of the Commission avoided. So much, then, for the policy of the Government with respect to the Church in Scotland. He came next to consider their policy upon the same subject in England. The present motion he regarded as one intended to open the trenches and to throw out the first parallel previous to opening the grand battery by which the Ministry hoped to effect a permanent breach in the fortress of Church and State. He agreed with the hon. Baronet, the Member for Westminster. [*Cheers.* In which Sir John Hobhouse joined.] The hon. Baronet, the President of the Board of Control, cheered. There was a time, indeed, when he did not agree with the hon. Baronet, and when the right hon. Baronet, the President of the Board of Control, did agree with him; and, since the right hon. Baronet cheered, he would remind the right hon. Baronet when that time was. It was when he assisted in canvassing Westminster for the brother of the Prime Minister, under whom the right hon. Baronet was now serving, against the present Member for Westminster (Sir F. Burdett), and the right hon. Baronet himself. And since they were come to particulars, he might state that he had had the satisfaction, in the present Session of Parliament, of voting, consistently voting, in support of doctrines which he had always held. He repeated, of voting in support of doctrines which he had always held, but which the right hon. Baronet in former times opposed. In the present Session of Parliament, he had had the satisfaction of voting with the right hon. Baronet (Sir J. Hobhouse), and with a majority of the Melbourne administration, in support of those principles which he advocated when, in the year 1820 he voted at the Westminster election in favour of Mr. Lamb; namely, against the repeal of the Septennial Act, against vote by ballot, against household suffrage, and he might also add, against the abolition of corporal punishment in the army. So much for the matter of consistency. It was positively denied by the hon. Gentlemen opposite, that the measure was intended as an attempt to sever Church and State. Now, upon that point he must observe, that, notwithstanding the extreme fidgetiness of the hon. Member for Leeds (Mr. Baines) last evening—notwithstanding the many attempts made by that hon. Member, first to interrupt and afterwards to explain, he thought that the fact remained exactly as it had been stated by his hon. and learned Friend, the Member for Bradford (Mr. Hardy), namely, that in 1834, at the great meeting of the Dissenters from which this proposition for the abolition of Church-rates first emanated, a resolution was unanimously passed, a resolution, having attached to it the signature of the hon. Member for Leeds himself, in which it was declared, that the severance of Church and State was a primary object of the Dissenters. He could not, for the life of him, comprehend a national Church the fabric of which was not maintained out of the national funds. The hon. and learned Member who had that night spoken with so much ability, to whom he (Sir J. Graham) had listened with so much pleasure, the hon. and learned Member for Halifax (Mr. S. Wortley), had alluded to a speech made by the right hon. Baronet, the President of the Board of Control (Sir J. C. Hobhouse) at Nottingham, in the year 1835. He did not know whether the right hon. Baronet was present at the time the allusion was made, but in that speech he announced to his constituents, that Ministers had prepared a measure of an extensive character, which measure, he had no doubt, would prove quite satisfactory to the Dissenters. This was in 1835; and it fortunately happened that they had on record the opinion expressed by the noble Lord, the Secretary for the Home Department (Lord John Russell), upon the principle and almost upon the details of that contemplated measure, as late as the month of June 1836, when the noble Lord also described it as a measure which must certainly be satisfactory to the Dissenters. Now, let the House observe, that in 1835 the right hon. Baronet, the President of the Board of Control, declared to his constituents at Nottingham, that this measure was prepared; in the month of June, 1836, the noble Lord, the Home Secretary, speaking not merely of the principle, but of the details of the measure, made use of these remarkable words—he believed they had been quoted in a former debate, but they were so remarkable, and so well deserved to be impressed on the memory of the noble Lord and the House, that he hoped he should be pardoned if he read them again. On the 20th of last June, the noble Lord, in answer to a question put to him by his noble Friend, the Member for Lancashire (Lord Stanley), said "His opinion upon the subject of Church-rates remained unchanged. It was the duty of the State (not of the Church, the House would perceive)—the duty of the State, by means of Church-rates (did the noble Lord say one word of Church-property), or in some other way to provide for the maintenance and repair of Churches?" And then the noble Lord went on to say, that "whatever might be the anxiety of the Dissenters, they could not have been in doubt as to the opinions of the Government. Two years ago, Lord Althorp brought in a Bill on the subject, in which the principle was declared, that Church-rates should not be abolished unless the State provided a substitute." This, then, was the principle to which the noble Lord continued to adhere up to the 20th of June, 1836. But the noble Lord continued in these terms: "He had never said anything inconsistent with the principle, or at least anything to lead the Dissenters to suppose, that Ministers meant to abolish Church-rates, without an equivalent; or that such an equivalent was to be found in the revenues of the Church. To that principle he adhered, and to it he intended to adhere."* He thought he had read enough to satisfy the House that, up to the 20th of June, 1836, the noble Lord was as much resolved as Lord Althorp or Earl Grey, not to find a substitute for Church rates in Church property; and that it was the noble Lord's opinion, that if Church-rates were abolished, the State should provide the means of supplying the deficiency. Now, however, the hon. Member for Weymouth, congratulated his Majesty's Ministers on the important discovery they had made, that the Church possessed certain property on which the State could conveniently lay its hands. Frequent reference had been made, and no doubt would continue to be made, to the abolition of the Vestry-cess in Ireland, as if it were analogous to the abolition of Church-rates in England. His noble Friend, the Member for North Lancashire (Lord Stanley), had dwelt upon that point in an irresistible manner on a former occasion, and, therefore, it was hardly necessary for him to touch upon it then; but he could not abstain from making one or two remarks. When Earl Grey's administration brought forward this very proposition, that there was a latent value in Church property which the State could call forth and apply to such purposes as it thought fit, that proposition was seized upon by the two opposite parties in the House, the one maintaining it to be just and proper, the other contending that it was wholly indefensible. What was the conduct of Earl Grey's administration upon that occasion? The proposition was at once withdrawn as involving a doctrine that could not be defended. As to the charge of inconsistency against any hon. Member of the House for refusing to support that with respect to the English Church which he had previously supported in reference to the Irish Church, he would dispose of it, as far as regarded himself, in a single sentence. When he and others had argued questions relating to the Church of Ireland, they had always been told by those who contended for principles which he sometimes thought dangerous to the establishment, "Do not be alarmed—there is a necessity in Ireland for the adoption of a measure of this kind—a necessity which does not and cannot exist in England—a necessity which destroys all analogy between the condition of the Church in the two countries." He contended, therefore, that it was not good faith on the part of the Gentlemen opposite, that they should come forward when the House was dealing with a question relating to the Church of England, and taunt, almost insult those who differed from them in opinion on account of what they had said and done, with respect to the Church in Ireland. They were told, in the first place, that there was no analogy between the condition of the Church in the two countries, and yet when they came to deal with the Church of England, they were charged with gross and glaring inconsistency for not adopting the same course that they had pursued with respect to the Church of Ireland. He would only observe for himself, that he had derived a lesson from the conduct of the hon. Gentlemen opposite, which would materially influence his mind for the future, and make him most careful how he agreed to any concession of principle demanded on any pretended ground of local necessity. In the course of the debate, he had heard a great deal about the conscientious scruples of the Dissenters. When he heard scruples of conscience urged against the payment of an impost sanctioned by law, and when he reflected on the hypocrisy and selfishness of mankind, he was convinced, that if once the plea of conscience were admitted in justification of a refusal to pay a legal tribute, all the bonds of civil society would be loosened, all safety of property destroyed, and all power of civil government at an end. That was his opinion upon the subject of conscientious scruples as regarded the payment of a legal tribute; and that opinion was strengthened a thousand fold when he heard the doctrines put forward and supported by his Majesty's Ministers. The noble Lord, the Home Secretary, had quoted the words of Mr. Fox, and said, that concession after concession must be made, until at length the people should be fully satisfied. That was the general doctrine of the Government as propounded by the noble Lord (Lord J. Russell); but what was the special doctrine that governed the conduct of Ministers as propounded by the Chancellor of the Exchequer? The Chancellor of the Exchequer said, "I have my doubts whether this is not a legal tribute—it may be legal or it may not, but show me the party, show me the Minister who will dare to attempt to enforce it." What did this amount to? If these doctrines were to be admitted—if on the one hand concession was to follow concession till the people were fully satisfied, and on the other, a Member of the Cabinet was to say, that whatever the legality of a tribute, no party, no Minister could dare to enforce it —he protested, that, in his opinion, they had arrived at the very verge of anarchy. He would ask, where was the hon. and learned Member for Kirkcudbright (Mr. C. Fergusson)? Where was the learned civilian (Dr. Lushington), who was his colleague in the Ecclesiastical Commission? In the report of that Commission, he had what he conceived to be, the highest authority laying down the law upon the subject of Church-rates; and after perusing all the pamphlets which had been written upon the matter, he confessed that his conviction of the soundness of the law, as laid down by the Commissioners, had not, in any respect, been shaken. The report to which he referred, was signed by Lord Tenterden, Sir Nicholas Tindal, Sir John Nichol, Doctor Lushington, and his Majesty's Judge Advocate (Mr. C. Fergusson). How was the law laid down by those high authorities? Did they regard Church-rates as a legal impost or not? These were the words of the Report: "It is the duty of the church-wardens to take care that the body of the Church be duly repaired, and that all things necessary for the decent performance of divine service be provided, and the law imposes on the parishioners the burthen of raising, by a Church-rate, the funds required to defray the expense. To this extent all the authorities concur: that it is a legal burthen affecting the parishioners." The Report then went on to state, that if the parishioners wholly declined to impose a rate upon themselves, the church-wardens had the power by law to make such an assessment as should be required to sustain the fabric of the Church. The Commissioners admitted, that in the present state of the law, many difficulties arose which it was difficult to avoid; but at the same time, they suggested measures by which they thought those difficulties might be overcome. At all events, they distinctly stated that, by the law, as it now stood, all property, with the exception of rectory or vicarage houses, was liable to Church-rates. The recommendation, therefore, of the Commissioners was, that with respect to Church-rates, the same mode of assessment should be observed as in the case of Poor-rates. What was the present measure?—The very converse of that proposition. By this measure, the Government sought to relieve property which had been purchased by individuals dissenting from the established religion of the country—which had been inherited by them—which had been possessed by them liable to a particular burthen, from the future payment of that burthen. Ministers, in fact, proposed to relieve the property of individuals, nine-tenths of whom did not ask to be relieved, and to cast the whole burthen upon a species of property in which the great body of the people, and especially the poor, had a great and permanent interest. He wished shortly to glance at two classes of objections, each of which he thought fatal and conclusive against the measure proposed by his Majesty's Ministers. They were not there at that time to argue the question of episcopacy. He presumed, that the Government did not intend to open that question. He took it for granted, that there was no intention to disturb the hierarchy of England. The hon. Member for Weymouth, indeed, whilst he spoke well of the prelacy, expressed a desire that they should be stripped of all human appliances to keep up their dignity and station; he would have the Church and its dignitaries stand alone upon the rock of truth. But high station could not be maintained, without those human appliances which the hon. Member thought so unworthy of the Church; and if once the hierarchy of this country were stripped of their wealth, and removed from their high station, not five years would elapse before they would be expelled from their place in the House of Lords, and five years more would not elapse before episcopacy would be wholly abolished in England. Under the measure proposed by his Majesty's Ministers, those Church dignitaries who now exercised upon their extensive property all the rights of tenants for life, would become mere mortgagees and annuitants; and it was impossible to deprive the lessors of their rights, without affecting also the rights and interests of the lessees. Once convert the Church dignitaries into mere annuitants, and all that belonged to the Church in its highest ranks would, by one blow, be for ever destroyed. There was another argument which naturally suggested itself when the proposition of the Government came under consideration—much had been said on both sides of the House, of a sincere desire of effecting an augmentation of small livings. At the commencement of the present reign, an Act was passed, appropriating 350,000*l.* a-year, out of the very fund which it was now proposed to take from the Church, to the augmentation of small livings. If the measure now proposed were carried, that Act must of course be repealed. How, then, could any man who supported the proposition of the Government, pretend that he had a sincere desire for the augmentation of small benefices? But, passing from that point, he came to the case of the lessees. He thought the present measure would affect them most seriously, and in a manner which he could not reconcile with his sense of justice. The House had not yet had the advantage of hearing the opinions of any Member of the Government in the course of the present debate; and he confessed, he was curious to know how they would defend the operation of the Bill upon the lessees. Supposing large numbers of leaseholders should be unable to comply with the conditions imposed by Ministers, which he considered very hard, what would be the consequence? Inevitable ruin. He owned, that he looked upon that part of the proposition which had reference to the leaseholders, as involving the greatest breach of an equitable title ever propounded by any Government, or listened to by any Legislature. From time immemorial, this leasehold property had been considered quite as valuable, quite as secure, as freehold. In many instances, freehold property had been purchased by the lessee, with the view of a joint occupation of freehold with leasehold, under the bishops' lease. Thus, in many parts of the kingdom, were to be found lands, arable and pasture, common field and inclosure, upland and meadow, all interspersed, part leasehold and part freehold, the value of the whole absolutely depending on the joint occupation of both descriptions of property. If, therefore, the Legislature should impose conditions which should leave it doubtful, or, indeed, should not make it certain, that these different descriptions of property could be continued to be held together, the greatest injustice would be perpetrated upon those who had made purchases of freehold land under the impression that the original tenure of the leasehold would not be interfered with. He had been told, that in the north of England such was the alarm which this measure had excited, that the mortgagees of Church leasehold property were calling in their money. Was it possible, in the present state of uncertainty, either for the lessors to know what amount to ask for a renewal, or for the lessees to know what amount to give? He could not conceive any state of affairs less satisfactory, even supposing his Majesty's Ministers were to abandon their measure, both to the lessors and lessees of Church property, because it would still be doubtful what course would be adopted in a succeeding Session. Credit would, in the mean time, be shaken; but if the mortgagees were to call in their money, who would advance the means to the mortgagors to meet the call pending the agitation of this question? All these points, however, with reference to the lessors and lessees, were of minor importance compared with the consequences that must result to the Established Church itself. The hon. Member for Weymouth intended, it seemed, to vote for the amendment as moved by the hon. Member for St. Andrew's. But the question before the House was not that amendment—the question was the original proposition of his Majesty's Government. The question that would be put to the House was this—that the words proposed by his Majesty's Government should stand part of the question. Now, he did not wish to seek any subterfuge or evasion upon this point; but, speaking for himself and himself only, would avow his opinion frankly. The hon. Member for Weymouth had said, that the amendment embraced two propositions —the first was, that money should be raised from Church property; and the next, that that property should be applied to the purpose of removing what was denominated Church destitution. Now, he was not prepared to adopt the proposition of the hon. Member for St. Andrew's, because he could not see how the money, consistently with the rights of the lessees, could be raised upon this property. He was, however, anxious that the Legislature should direct its attention to that question; and whenever it could be shown to his satisfaction, that with safety to the rights of the lessors, and equitably to the lessees, a new value could be given to this property, no man would be more anxious that this case of destitution, both in the metropolis and in the country, should be met by this particular fund. The hon. and learned Gentleman, the Member for Liskeard, had said, that he believed the amount of Church-rates would be sufficient to meet this case of destitution; but it was notorious, that the Church-rates would by no means be adequate to that purpose. Of this they had had practical experience. It was foretold, when the Church Bill passed, and it had proved a true prophecy, that the building of additional churches, unless endowments were provided for them, would be an insufficient means to supply the destitution that existed. With regard to the Churches that were already built, it was indispensably necessary that means should be found, either from the property of the Church or from the public funds, to provide for their endowment. With respect to the subject of pew-rents, the noble Lord, the Secretary of State for the Home Department, relied very much upon the authority of Dr. Paley. He (Sir James Graham) would read a short passage from that author upon the subject of imposing a tax upon persons for the support of the Church. He said—

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* Hansard (Third Series) vol. xxxiv, p. 611-612.

> "It is at all times a bad constitution which presents temptations of interest in opposition to the duties of religion, or which makes the offices of religion expensive to those who attend upon them, or which allows pretences of conscience to be an excuse for not sharing in a public burthen. If, by declining to frequent religious assemblies, men could save their money at the same time that they indulged their indolence and their disinclination to exercises of seriousness and reflection, it is to be feared that many would take advantage of the option thus imprudently left open to them, and that this liberty might operate to the decay of virtue, and an irrecoverable forgetfulness of all religion in the country. * * * It is lawful for the magistrate to interfere in the affairs of religion whenever his interference appears to him to conduce, by its general tendency, to the public happiness. * * * When the laws interfere in religion, they interfere in the temporals; their effects terminate, their power operates only upon those rights and interests which confessedly belong to their disposal."

He would repeat, that if means could be provided out of the property of the Church, for meeting this case of destitution, no man would be more anxious that those means should be so applied; but he would appeal to the hon. Member for Weymouth, whether this was not a matter which cried aloud for the intervention of the Legislature. It was in evidence, that there were no less than 650,000 persons in London, without the means of religious instruction. That such a mass of human beings, in the very heart of the metropolis, should be uninstructed in their moral and religious duties, was dangerous to the very State itself; and the most prompt and efficacious means should be taken to remedy so great an evil. Reference had been made to some very eloquent expressions of the Rev. Robert Hall, upon the subject of Church-rates; and he thought he could convey to the House the purport of the language used by another eminent Dissenting minister, upon this very subject. He said,

> "Infidelity is active. It spreads its snares on every side, stealing the heart and pre-occupying the judgment against the reception of divine truth. Vice is active, and rallies around her on every side millions as her votaries. Death is active, hurrying away by tens of thousands its victims into eternity; and I ask you, shall we alone remain inactive."

Yet, what was it that was asked? Not that you should provide means to supply the destitution that was admitted to exist. All that was asked was, that you would refrain from laying a rapacious hand upon funds which were set apart for the maintenance of the Church, so that they might be made available for the extension of its boundaries, and might bring within its pale all those members of the general fold that were now destitute and perishing.

The *Chancellor of the Exchequer* cordially concurred in the wish expressed by the right hon. Baronet in the commencement of his speech; for no man regretted more than he did the unfortunate connexion, at all times and under all circumstances, of the subjects of religion and of politics. But if such a connexion were unfortunate, it was too much to bring it as a charge against his Majesty's Ministers; for if ever there was a speech which afforded in itself an illustration of the inconvenience which it began with deprecating, it was the speech which had just been made by the right hon. Baronet himself. In the few observations which he should have occasion to make he would not go back to the legislation, or make inquiries into the proceedings, of past ages. It would be enough for him to take one single illustration as a proof of the statement which he was about to make. From the time of the formation of the present Government what had been the course taken by hon. Gentlemen on the opposite side of the House? Why, that every question, however purely civil in its nature, that had been introduced, they had contrived and endeavoured, in some shape or manner, either for the purpose of displaying their own ingenuity, or for some other but unacknowledged purpose, to convert into a question of religion. Every measure, however unconnected with the Church in its nature and its enactments, they had strived to make appear a Church question, because they well knew that by the adoption of that course their own peculiar objects were more likely to be effected. As an instance, he would mention the Municipal Bill, which, in itself, had nothing whatever to do with the Church; but which was nevertheless seized upon, pressed and urged with the utmost earnestness and vigour, as a matter seriously affecting the Church, until the hon. Gentlemen on the opposite side of the House were fairly foiled in the course of the discussion. It was argued that inasmuch as that Bill would enable the inhabitants of a municipal borough to elect members for the town-council without respect to their religious creeds and inasmuch as that the town-council would have the patronage of certain Church property, the result would be that the new Municipal Corporations would be subversive of the Established Church. Yes, that argument was urged; but it was foiled. It was met by the provisions of the Bill itself, and the hon. Gentlemen opposite therefore derived no advantage from the argument on that occasion. And what had been the greater portion of the eloquent speech which the right hon. Baronet had addressed to the House this night? What the argument with which he had occupied their attention? It was not by a discussion of the proposition before the House; still less was it by a discussion of the proposition contained in the amendment, but it was an argument in which the right hon. Baronet contended, that whether acting with reference to England, to Scotland, or to Ireland, the whole course, tenour, and policy of his Majesty's Government was to overthrow the Established Church. The right hon. Baronet (said the Chancellor of the Exchequer) may make that assertion; he is at liberty to do so. I am willing to admit him to do so, because I will not become one to embitter the feelings, or throw back defiance upon those with whom I was once intimate in friendship and in office. But, Sir, on my own part, and on the part of those with whom I have the honour to act, with as proud a defiance as the right hon. Gentleman can assume, do I take upon myself to deny that it is the scope, tenour, or intention of any one measure which we have introduced, or of any one measure which we mean to introduce, to injure either the interest of religion in general or of the Established Church in particular? Assertions on one side or on the other might go for little or nothing; and he knew that this kind of party fighting was not the most likely mode in which a cool and dispassionate decision on a great and important question could be arrived at. The hon. Baronet the Member for Westminster had spoken of another place where the errors of the House of Commons might be corrected; but he could only say if there were an excitement to be raised against the House of Commons in this case—if there were a delusion to be raised within the land—if a cry were again to be made—a cry which some gentlemen opposite had already suffered by, and by which other Gentlemen opposite had triumphed—the cry of "No Popery!"—the cry of "The Church in danger"—if those cries were again to be set up, he would not appeal to another place, which he was not at liberty to allude to without irregularity, but he would appeal to time itself, which was the best test of truth, of justice, and of policy, and which had convicted all those means in succession, come from what party they might, and supported by what influences they might be, which degraded a holy and just cause by prostituting it to the vilest of party and political purposes. He would appeal with confidence to that test—the test of time, because it always did justice. It did justice to Lord Grenville when in 1806 he first made the declaration of an adherence to the principle of a liberal policy—it did justice to the right hon. Baronet the Member for Tamworth, when prosecuting the same good principle, although for a time he was made a victim, and was subject to the reproach of being held up as an enemy to the Church. He at least now stood free from that reproach, and was at the same time entitled to the gratitude of those whose principles he then carried into effect. The right hon. Baronet had reproached his Majesty's Government with having left the task of making their defence to the hon. and learned Gentleman the Member for Tipperary. The right hon. Baronet might have conceived a better motive to have dissuaded them from replying to the speech of the right hon. Member for Westminster. If that right hon. Baronet knew what it was to be severed from those with whom he ever acted—if he knew that in the conflict of political life a generous and just spirit would wish to carry disseverance in the walks of politics alone, and not to prevent the better feelings of the heart and the more gracious recollections of early friendship still from prevailing he would not have felt any surprise that no member of his Majesty's Government rose to reply to the observations of the hon. Member for Westminster. No doubt there were observations which fell from that hon. Baronet to which, if he had risen at the moment he should have been glad to reply. In the absence of that hon. Gentleman unquestionably he should not do so. Suffice it for him to say, that he was satisfied on the part of his Majesty's Government to take that amount of censure which those observations might have inflicted on them, knowing well that there was a certain amount of censure which it inflicted also upon others. The right hon. Baronet had on the present occasion adverted, to show his own consistency, to the time when he differed from those hon. Gentlemen with whom he was now associated on this question. If this had been an Irish discussion, undoubtedly he should have congratulated the right hon. Baronet upon the peculiar Hibernicism of such an argument. It was neither very logical nor very liberal, but bad as the logic was, it was infinitely better than the generosity of the arguments. The right hon. Baronet in point of logic, defended himself thus: "I will show you," said he, "that I am now right, because at a former period I was entirely opposed to the Gentlemen with whom I now entirely agree." But what was the position in which he left his former friends? He would use no strong language to express that position in which Gentlemen found themselves who adopted new opinions. There were hard and ugly words used on such occasions, but he would take the word used by the hon. and learned Member for Tipperary, who said that such persons might be called converts. Now, converts were generally welcomed with open arms; but what had been the return of the right hon. Baronet for this cordial greeting on the part of the hon. Gentlemen opposite? Such an attack as had come from a newly allied friend—anything more bitter than the defence which the right hon. Baronet had made for them on the present occasion he in his life had never before heard. There was a time when all the Whigs were competitors at an election for Westminster; and he remembered well an attack which was made by the late Mr. Canning on that occasion. He spoke of the Whigs returning back from the hustings with ribbons at their heads and mud at their heels. Now, for a convert, he must confess that the right hon. Baronet had assailed his new friends with more mud than ever they were bespattered with before. There was more point, bitterness, and sarcasm, in the political contrast which he drew between himself and them, than there could have been displayed in all the Westminster elections. If the right hon. Baronet had always till now differed from the hon. Member for Westminster, fortunately there were points upon which he agreed with himself. He should not allude to the time when they were in office together, but to an anterior period. In 1828 the right hon. Gentleman, the Member for the University of Cambridge, in the discharge of his duty brought forward a Bill for building additional Churches, and to give greater facilities for religious instruction. It bore the title of "the additional Church Bill." That Bill was opposed by the right hon. Baronet, the Member for Cumberland. And how did he deal with it? It appeared by the reports of the debate, that "Sir James Graham objected to the Bill entirely." "In his zeal (said the right hon. Baronet) towards Church, and in a determination to support it in all its rights, he would not yield to any one. No doubt that was quite true; the right hon. Baronet would not yield to any man, neither would he yield to the right hon. Baronet in his feelings of attachment to the Church. The report of the right hon. Baronet's speech continued thus—" But it was with that feeling that he could not uphold any measure that the unwise friends of the Church might bring forward to enable it to grasp more power and greater revenues than it already enjoyed. The question at that time was not, to put one splendour more upon the head of an Archbishop,—the question was not to confer additional wealth upon the hierarchy, — the question was, to assist in the great measure of building additional Churches; and yet, in reference to that subject, the right hon. Baronet stated that " he could not uphold any measure that the unwise friends of the Church might bring forward to enable it to grasp more power and greater revenues than it already enjoyed." [*Opposition Cheers.*] Hon. Gentlemen opposite appeared by their cheers to adopt that language; but it was the Bill of the right hon. Gentleman the Member for the University of Cambridge. It was not the Bill of the Whigs, they were not the unwise friends of the Church on that occasion hon. Gentlemen opposite were the unwise friends; and with all respect be it spoken, he would say, that they were also on the present occasion the unwise friends of that Church. The hon. Baronet the Member for Westminster also opposed that Bill. It was reported that Sir Francis Burdett said " there was not a clause in the Bill, except that which related to interments, which he did not object to." These two hon. Baronets combined thus to oppose the Bill. Two such armed knights having come down to war, no doubt the Treasury Bench was forced to quail before them, but their efforts had failed, and he hoped that a like result would attend their present opposition. The right hon. Baronet had complained that there was a close union existing between the Roman Catholics, the Dissenters and his Majesty's Government on this occasion, and had repeated that vulgar reference to a supposed compact of some kind or other which had been so often reiterated, but which had as often been met by the most direct and personal contradiction by gentlemen who had the means of knowing, and who could not be suspected of wishing to deny the truth. He was surprised that the right hon. Baronet should have made a reference to that often refuted imputation, but he had now also stated that there was a compact alliance between the Roman Catholics and the Dissenters. He was not surprised that there should be such an alliance. Of all ties upon earth the having suffered together, and the having associated together in adversity, was the strongest bond of union. If the Protestant Dissenters forgot that the Irish Roman Catholics very generally assisted them in obtaining the repeal of the Test and Corporation Acts, then he would say that the Protestant Dissenters were not the men he had ever thought them to be; and if the Roman Catholics in like manner forgot that the general principles of toleration asserted by the Protestant Dissenters were asserted not only on their own behalf, but on behalf of all who sought to be emancipated from the thraldom of penal enactments, and that to the assertion of those principles by the Dissenters they owed much of their own success, then he would say, that the Catholics of Ireland were unworthy of the freedom they had obtained. Therefore he was not surprised that there should be a compact alliance of this description. But a compact alliance of what? It was said to be an alliance in hostility to the Established Church; and this measure now under discussion was also said to be hostile to the Established Church. He would not repeat the denials, either personal or public, which he had already made of the truth of those statements. He could not add to their force by any repetition, but this he would say, and by this he was ready to abide, that if there were not one Dissenter in the land, if there were no separation of sects within this community, still the measure now on the table was a measure good in itself, good for the interests of the Church, good for the interests of the State, and good for the interests of true religion. Why would hon. Gentlemen take upon themselves to say, that hostility to Church-rates was confined to Dissenters? It was only within the last twenty-four hours that he was informed by an hon. Friend, in reference to the borough which he represented, in which the Dissenters were by no means a predominant party, that hostility against Church-rates was just as rife as if the Dissenters were in a majority. He had got some evidence on this subject. [*Question.*]

He could assure the House he would limit his observations as much as possible, but in justice to the Government, in justice to the subject itself, and in justice even to the opponents of the measure, he could not abate one single iota, one fact or argument which he thought tended to establish his own views on this question. He was told that the opposition to Church-rates entirely proceeded from Dissenters. It might sound at first like a paradox, but he literally believed that in many cases the existence of Dissenters rather tended to strengthen the Church party than otherwise, because it introduced an antagonist principle. Many persons belonging to the Church supported Church-rates, not because they wished to support the rates; but because they conceived it was necessary to do so in order to support the Church in opposition to the Dissenters. It was stated, that the Dissenters were extremely weak in point of numbers, and that the whole opposition to Church-rates proceeded from that party. By reference to the petitions on the table, they might be able to estimate the truth of these facts. An hon. and learned Friend had stated that the number of petitions for the abolition of Church-rates and in favour of the ministerial measure was 1,629, while the petitions against the abolition and the proposed measure were 2,740. But why did not his hon. and learned Friend state the number of signatures of those petitions? It appeared that the number of signatures to the petitions for the abolition of Church-rates, and in favour of the Ministerial measure, was 477,000, while the number of signatures against the abolition of Church-rates was 265,000—thus showing an an excess of 212,000 signatures hostile to the present system. The argument, then, with respect to the small number of signatures must fall to the ground. But if there were not any Dissenters in the land, still the disturbances and disagreements that took place within the walls of the Church respecting these rates were of so unseemly, unbecoming, and indecent a character, that in his mind these rates should at once be abolished. Who were those who were the most anxious to get rid of Church-rates in Ireland, in consequence of the scenes that took place in the Churches where they were to be made? Why the Tory Gentlemen opposite. But were they raised in Ireland in the same way as in England, where there was a perfect equality as to the right of the rate-payers to interfere? No such thing; for in Ireland they were imposed by vestries composed exclusively of Protestants. Notwithstanding this, the right hon. Gentleman felt it to be his duty to get rid of them. He could not let the question go to a division without alluding to the argument of the hon. Member for Bradford as to the abolition of Church-rates being conjoined with the severance of the Church from the State. The hon. Member seemed to infer that because this ground had been put forward in certain petitions that therefore it could be stated that it was a general object of those who wished to abolish Church-rates. Look to the petitions presented on the subject of Church-rates last year, when a great deal of excitement prevailed on the subject, and then observe in how many petitions this proposition had been put forward. The petitions presented praying for the abolition of Church-rates were very numerous, and were signed by 21,465 persons. Only one of these petitions prayed for the separation of Church and State, and that was from Chatham, and was signed by only 332 persons. He should take the acts of the Dissenters and the declarations of those more immediately connected with them in contradiction to the statement made by the hon. Member, and repeated by the right hon. Baronet that night. He would ask whether at any period of history where there were two antagonist parties you would allow one party to be the expounder of the religious opinions of the other? He was not about to argue that because a particular measure was good for Ireland it therefore must be good for England. He had never used such an argument; on the contrary, he had always asserted that it was not valid. But he did not hesitate to say, that when a principle of political action was good in one country it was undoubtedly good in the other. The right hon. Gentleman said, abolish Church-rates, and you instantly create a separation between Church and State. He also said, that the Church of England in Ireland and the Church in this country were indissolubly united. Now, in Ireland, Church-rates had been abolished, and this had been done with the consent of the bishops of the establishment in Ireland, and it had not been asserted that this would be followed by a severance between Church and State; no one had thought of asserting that such a result would follow from the abolition of Church-rates in Ireland. If the argument was urged that the abolition of Church-rates in this country would be followed by a severance of Church and State, it must also be so in Ireland; and the right hon. Gentleman opposite had been a party to it, by consenting to the abolition of Church-rates in that country. But he denied the assertion *in toto*, and contended that there was not the slightest ground for the assumption. If the proposition on the table would leave the Church without the means of maintaining and supporting these buildings, which were marks of the piety of our ancestors, and many of them, be it recollected, the work of Catholic ancestors—if the measure was to leave these edifices without the means of being maintained, hon. Gentlemen opposite might raise the argument that the connexion between Church and State would be severed. But the measure before the House adopted, in the place of an uncertain, insecure, and ill-defined means for the maintenance of these sacred edifices, a plan which was certain, permanent, and clear in its operation, and secure in its results. Such was the nature of the measure proposed by the Government, notwithstanding the manner in which it had been misrepresented by Gentlemen opposite. There had been a greater perversion of argument in the discussion on that measure than, he believed, had ever upon any subject been before presented to any deliberative assembly. It would be improper for him at that late hour to dwell upon the law of the case: it was sufficient for his purpose to say, that the whole of the arguments on this part of the subject was contained in a speech of the right hon. Member for Tamworth on a former occasion, in which the right hon. Gentleman drew a distinction between Church-rates and tithes. He truly described the former as a tax depending on the volition of those who had to pay it, and of course if there was a volition they had the power of refusing the payment of it. This view of the case had been taken by high and unimpeachable authorities on the subject. This had been argued by a great ecclesiastical authority—namely, in the work of Mr. Perceval—who stated that when a Church-rate was refused by a vestry there was no means of enforcing the payment of it. An hon. Gentleman who spoke early in the debate stated, that if the Government and the House knew the nature of the arguments resorted to to procure signatures to the petitions in favour of the measure they would not attach much authority to them. A more dangerous argument to their own proceedings could not come from the other side of the House. Did the hon. Gentleman know the nature of the assertions and arguments that had been suggested and put forward out of doors with respect to this measure before even it was fairly brought forward? The people were distinctly told, that the object of the measure was to leave the Church without the means of support. If the hon. Gentleman did not know this, it was at any rate well known by one-half of the people of England. It was notorious that a great number of persons were induced to sign petitions against this measure by means of the gross delusions that had been practised on them, and the misrepresentations that had been put forward with respect to it. He would refer on this point—namely, as to the mode of getting up petitions against this measure—to no mean authority. He alluded to Dr. Boyle, who put forward the opinion he was about to state in a production of great merit. [The right hon. Gentleman read an extract to the effect that this measure had for its object the overturning the Church; and let the parties promoting this measure only succeed in abolishing church-rates, they would devote tithes to the purposes of the state, and this would of course occasion the downfal of the Church, which would be followed by the downfal of the monarchy, and all the existing institutions. It was impossible to touch Church-rates without the greatest detriment to the security of all our institutions; and it should be recollected that this measure could not pass without robbing God of his honour and the Church of her property.] The people had been also told that the effect of getting rid of Church-rates would be to oppress the poor. How the abolition of Church-rates would oppress the poor he could not tell, and certainly it was the first time that he had ever heard it put forth as an argument that the abolition of a tax was an oppression to those who had to pay it. He should like some hon. Gentleman opposite to explain how the getting rid of this tax would oppress the poor, and certainly a demonstration of this would be one of the greatest political discoveries which had ever been made. But did not many of the petitions against the Bill proceed in such assumptions as he had just referred to? If there was any foundation for them, and if the truth of them could be shown, he was satisfied that the great mass of the people would at once declare against this measure; and most assuredly few would have signed petitions in favour of it if they believed that it would be attended with such results as had been described. He could not too strongly condemn the putting forward such a view of this subject; but the object evidently was an attempt to excite the people to take a prejudiced view of the subject. He, however, would proceed with the extracts which he had just read to the House, which were followed by some verses on the same subject. When, then, the people were called upon rather to suffer themselves to perish as martyrs than permit this measure to pass, was it the way to come to a clear and calm discussion of the subject? The right hon. Gentleman put forward a statement on a former occasion respecting some words which he alleged had been used by him. On that occasion he denied the correctness of the right hon. Gentleman; but it had again been repeated by him that night, and the right hon. Baronet said, that he had asked who would enforce the law respecting Church-rates. He said nothing of the kind; but he stated that the present state of the law was such that there was no effective means of enforcing the law in case the vestry refused to make a Church-rate. It had been suggested in the petition of the archdeacons that the Legislature should increase the power of other parties in case a vestry declined to make a Church-rate, and they proposed that in case of such refusal the churchwardens should have the power to make the rate and enforce it. He was sure that no Government would dare to propose and no House of Commons would consent to pass such a law, for the proposal was nothing more nor less than to give the power to a single parochial officer to make and enforce the payment of a tax without the will and consent of those who had to pay it, and without whose assent it could not be levied at present. Would the right hon. Gentleman himself make such a proposition? He certainly did not think it likely that any such proposition would emanate from the friends of the Church. The right hon. Gentleman had made an appeal to what he was pleased to call the generosity of the House. He said this burthen was attached to the land at the time it was purchased, and it was bought at a lower price in consequence of the burthen; why, therefore, should you strive to throw it off yourselves, and impose this charge on the Church, and thus infringe on the rights of property? The right hon. Gentleman was a party to Lord Althorp's scheme for getting rid of Church-rates. What, then, became of the rights of property as regarded getting rid of a tax to the payment of which an estate was liable at the time of its purchase, for the right hon. Gentleman was a party to a measure by which persons owning land subject to Church-rates would be relieved from the payment of them. The right hon. Gentleman could not suppose that the argument he then urged would have any weight, when it was remembered that he had supported a plan liable to the same objection. He had no doubt but that the right hon. Gentleman was as inconsistent in his present argument as he was in his support of the former measure. The argument as to the existence of the impost, and its influence on the purchaser of a landed estate, was a most gross delusion; and it was only put forward in debate on that occasion with the view of creating a popular feeling on the subject out of doors. The same argument was also put forward by the right hon. Member for Tamworth, who said, do not get rid of this tax—it ought not and must not be abolished, for it is a permanent burthen on the land, to which it was liable at the period of purchase, and in consequence of which a less sum was given for it. He should only meet such arguments and suggestions by the acts and declarations of those who put them forward. He must say, however, that when a case was supported by such arguments it could not have much foundation in reason. He did not attach much importance to the strong language that had been used—that this measure was only intended to injure the Church, for the right hon. Gentlemen opposite knew that many parts of the present measure, with respect to which such strong declarations had been made, were framed on the opinions of high ecclesiastical authorities. Dr. Burton, the head of one of the colleges at Oxford, and a man of the highest character and attainments, proposed the total abolition of Church-rates: no one, however, cried out against him as proposing a plan fraught with ruin to the Church. Again, the rev. Mr. Milman proposed something similar to the plan urged by the hon. Member for Leeds, namely, that there should be a fresh valuation of the first fruits, and also proposed that the annual tax should be increased from ten to twenty-five per cent. Lord Henley went further, and proposed, in addition, that a minister for religion should be appointed; and, regardless of what might be said by the hon. Member for Lincoln, proposed that there should be ten paid Commissioners to superintend the administration of Church-property. The rev. Mr. Townsend proposed that there should be a deduction from the revenues of the Church, and that a tax should be imposed on tithes when devoted to ecclesiastical purposes. When either of these plans was proposed, they heard not one word respecting the debts that had been contracted, or the mortgages that had been raised on the security of the Church-rates—not one word respecting the sacrilegious nature of the proposal was put forward when either of these plans was proposed. If he had spoken at an earlier period of the evening he should have been prepared to show, from a great variety of ecclesiastical authorities, that no parties were for the present system of Church-rates: he would not however detain the House with this part of the subject. With respect to the motion of the hon. Member for St. Andrew's, he did not think, after the strong declaration made on the former occasion, that the hon. Member could expect any very great support from the other side for his proposition, and he was surprised that the hon. Gentleman should persist in it. Before sitting down he felt called upon to make one or two observations respecting the present state and management of Church-lands. He was convinced that those who knew anything of the duties of the heads of an episcopal church, would be satisfied that no one thing interfered more with the duties of bishops than the management of the Church lands. He would merely state to the House one single case as a specimen of the mode in which bishops manage the landed estates which belonged to the church. In 1817 a Bill was introduced into that House, on the part of his grace the then Archbishop of Canterbury, for the purpose of vesting certain church estates in trustees to grant leases. Would the House believe that the mode he was about to describe was the most secure mode of managing Church property, and for securing the interests of the lessees of the church? This Act was to make a great alteration in the mode of levying fines and granting leases, and the Bill, which contained a great number of clauses, passed in a manner and state in which he was sure would surprise the House. Several of the clauses referred to the covenants entered into by the lessees, and were to the effect following, that if any tenant should suffer any tenement leased out to him to become dilapidated, and should not have it repaired within months, or years, he should forfeit, &c. These blanks were to be met with in a great variety of Clauses. Here, then, was an actual Act of Parliament, which passed in 1817 under this most happy and convenient system of management of Church lands. The blanks were left unfilled when the Act received the royal assent, and in this shape it was printed in the statutes. This he thought was sufficient to show the prudent mode by which Church lands were managed. He might be told that this was the duty of Parliament. No doubt Parliament ought not to have passed a Bill in this state; but who was the suitor for the Bill—who were the parties for whose benefit it was passed. If such a mistake occurred in a private Bill, and it was suffered to pass without the blanks being filled up, it would be a matter of just censure. It was the duty of the agent for the Bill, as well as the proper office of that House, to see that a measure did not pass in that state. But how was the fact detected which he had just described. It was amended in 1834; previous to which some parties had availed themselves of certain advantages which accrued to them in consequence of this defect in the Bill. He now came to another authority. The recital in the preamble of the Church Temporalities Act also acknowledged the power of Parliament to deal with the management of church lands. It began, "Whereas it is expedient to alter the tenure of Church lands in such manner as will tend to the security of the church, or to increase the value of such lands." If this Act were effective, would the right hon. Baronet say that it was impossible to give an additional value to Church property, without enforcing great hardships on the lessees? He did not believe that any injury would be imposed on the lessees under this Bill. His hon. Friend the Member for Durham, who spoke from authority on this subject, knew that he had been in communication with many of the lessees of Church lands in the great county which his hon. Friend represented; they believed that the alterations would in some respects press heavily, but they believed that a surplus might be made to accrue without doing any injustice to them, but solely from the improved management of Church lands. He was willing, however, to consider any suggestions that might be thrown out on this point with the view of removing anything which might press on the lessees; but the proper time for the consideration of this part of the subject was when they got into Committee. This was not the time for the consideration of the details of the Bill, but merely to declare whether the House was prepared to assent to the principle of it? the House was called upon to vote whether or not it would permit the introduction of the Bill, and see what were its provisions. They then had merely to state whether they would allow the country to see what the measure really was, and were not called upon to give any opinion as to the details or the mode in which its provisions were to be carried into effect. He trusted that the House would not consent to stop the measure in its present stage; he trusted that the House would not only permit the introduction of the Bill, but would carry it to a successful termination. He trusted that the hon. Member for St. Andrew's would not think that he for one, was indifferent to the extension of religious education. On the contrary, he was most anxious to promote it as much as possible. It had been well and powerfully said with respect to the power of religion on the minds of the people—and he made the quotation more freely, because he took it from one of the greatest ornaments of the Dissenters of this country. The quotation was—"He who would diminish the force of religion on the minds of the people must be a fool; he who would destroy it must be a madman." In this expression of opinion he entirely concurred, and he was anxious to extend the blessings of religious education as far and as widely as possible. But the object of the present measure had no immediate connexion with religious education. It was intended to put a stop to dissentions which were most injurious to the cause of religion not to provide for an increase of religious instruction. He did not think that the influence of the clergy on the Sabbath was increased by the dissensions which occurred on other days in the church. The selfish broils and quarrels which occurred gave rise to the most bitter animosities and hatred, which were most injurious to the church, and which almost necessarily diminished the authority of the clergyman, and thus prevented the extension of religion amongst the people. With respect to the amendment of the hon. Member for St. Andrew's he was satisfied that it could not be carried, and be would not, therefore, enter with him upon the question of the extension of religious instruction, by the means proposed by the hon. Gentleman. All other efforts would be unavilling as long as the Church was suffered to be made an arena in which contending parties struggled for victory.

Sir *Robert Peel* said, that one of the inconveniences which attended protracted debates was, that so many topics were touched upon in the course of every speech addressed to the House, which had no immediate reference to the subject-matter of debate, that the attention of the House was diverted from those main considerations by which its decisions should be influenced. It was five-and-thirty minutes from the time the right hon. Gentleman opposite commenced his speech, before he applied himself in any respect whatever to the subject before the House. Five-and-thirty minutes were expended in graceful preludings, before they heard the burthen of the right hon. Gentleman's song. He promised the House that he would not occupy so much time in the main discussion of his argument against the measure; and he said this, because he had a different object in view from the right hon. Gentleman, who was too skilful not to know, that it was better to allude to anything than the matter before the House. The true policy of the case was, that the attention of the House should not be directed to extraneous topics, which could not influence any rational men in forming an opinion on this subject. The question they were called upon to decide on that occasion was, whether, in that, the richest and most prosperous country visited by the light of heaven—and finding that there existed for ages a direct contribution for the maintenance of the fabrics of the Church Establishment—they would abolish such payment of Church-rates? For time out of mind, all property in the country had been liable to a contribution for this purpose; but for the last 300 or 400 years, the landed proprietors had been more particularly called upon to keep up the fabrics of the national Church. Most of this property was in the possession of those in connexion with the Church, and the proprietors of those estates who had the greater portion of the amount to pay, did not wish to be relieved from this burthen. They were now told, that an equivalent could be found for this impost in the property of the church itself, and this on the single pretext, that it would relieve the conscientious scruples of certain persons who dissented from the church. This was the subject-matter of the proposition before the House. The right hon. Gentleman, and the rest of his Majesty's Ministers said they had found an equivalent for Church-rates. True it was that the fabrics of the Church must be maintained, and all the members of the Government, until within the last six months, said, that if these rates were abolished, an equivalent must be provided by the State. The new proposition was, that the landed proprietors, nine-tenths of whom had no conscientious scruples as to the payment of Church-rates, should have their estates, which had ever been liable to the charge of these rates, and in consequence of the existence of which every owner, be he Dissenter or Churchman, made a proportionate reduction in the price when he purchased it, relieved from the burthen, and that an equivalent should be taken from the funds of the Church, to provide for these matters, now charged on the Church-rates. Would any one deny, that this was the principle of the proposition of the right hon. Gentleman? The right hon. Gentleman must know what were the opinions of impartial men on his proposition. He knew the censure that was passed on the Irish Parliament for abolishing the tithe of agistment. He must have heard the condemnation of the lay legislators, who robbed the Church to increase the value of their own property. What did they propose to do in this instance? Did any one deny that the land was subject to this charge, and was it not proposed to relieve the landowners from the payment, and throw it on the Church? And was the Church rich enough to afford it? He would answer that question by referring to an authority which they could not deny. The whole of the speech of the hon. and learned Member for Liskeard, delivered this night, tended to show that the Church was overburthened with wealth—that it had ample funds for the extension of religious instruction, and the abolition of Church-rates too; but the Report of the Church Commissioners, which five of the Members of his Majesty's Government had signed, stated, that such was the destitution of the means of religious worship, that the Church possessed no funds which would afford an adequate supply. They described, in that Report, the case of the metropolis, and of the great manufacturing towns; they admitted that the population had outgrown the means of religious worship; they admitted the inadequacy of the present funds to make the necessary provision: they contemplated a fund which might supply the deficiency, and the Ministers now proposed to divert that from its legitimate course, and apply it to defray those expenses which the property of the wealthy landed proprietors had hitherto defrayed. They urged, in speeches and in pamphlets, that though it was true the liability existed, yet there were no means of enforcing it. Would that excuse avail them? His right hon. Friend had referred to the Report of the Ecclesiastical Commissioners, which stated the law on that subject in these words:—"It is the duty of churchwardens to take care that the body of the church is duly repaired, and that all things necessary for the decent performance of divine service are provided. And the law imposes on all parishioners the burthen of raising, by Church-rates, the funds required to pay the expenses. To this extent the authorities concur." That Report was signed by Lord Tenterden, Dr. Lushington, the Judge-Advocate, by, in short, all the most eminent legal authorities of the day, and it established this principle, that there was a legal obligation on landed property, to contribute to the maintenance of the fabric of the Church. Did that obligation exist on their estates, when they purchased them? Or did the vender say it was true the legal obligation existed, and the right could be enforced only by a difficult process in the Ecclesiastical Court? If he had so stated, would not their answer have been—"Dr. Lushington told them, that the legal obligation existed, and they would not be so shabby as to look out for a mode of evading it, because the process of the Ecclesiastical Court was dilatory and embarrassing?" They would have insisted on the full payment of what was due to the Church; and if the Church-rates amounted to the sum of 25*l.*, the value of twenty-five years' purchase would have been deducted from the amount of the purchase-money. Then, said the right hon. Gentleman, there was the case of Ireland as a precedent. He maintained that that offered no inducement. So far from the case of Ireland being an inducement, he would say it afforded one of the most powerful grounds for exhorting them to avoid it. What was the consequence of acceding to their proposition? When it was made, they were told, that the case constituted an exception to the general rule. They admitted, as the right hon. Gentleman now admitted, that the Church of England and the Church of Ireland were united by law, and constituted one Church; but he (the Chancellor of the Exchequer) and his hon. Colleagues were parties to a declaration made by the King, that the circumstances of Ireland were peculiar, and that they called for separate legislation. They said, that the Church of Ireland had greater resources than it required for the spiritual instruction of the people, and that there existed in that case that peculiarity which they now relied on, as a reason for asking for the acquiescence of the House in the present proposition. They urged, that in Ireland the vestry was an exclusive one, consisting solely of Protestants, and that was relied on as a reason for making Ireland an exception. They were told then, that the vestries in Ireland were differently constituted from the vestries in England—that the grievance was felt to be greater, because they were composed exclusively of members of the Established Church—because the Roman Catholics were altogether excluded. They were told, that here the Dissenters were not excluded; here they had a voice in the granting of Church-rates; but in Ireland, the peculiarity of the grievance was, that the vestries were composed exclusively of Churchmen. The very same party by whom that argument was used now turned round, and relied on that which was granted us, because of the peculiarity, as a reason why the principle should *a fortiori* be extended to this country. If they granted this measure, what security had they that five years hence they would not be told, that they had recognised a principle fatal to the existence of the establishment, when they gave up the Church to be maintained out of its own revenues—that tithes were public property, and though, unlike Church-rates, they were a burthen borne by the occupier of the soil, the payment of them was disagreeable to him who dissented from the establishment? What security had they that his Majesty's Ministers would not hereafter use that very argument which was now used by only a portion of the Dissenters themselves—that they would not urge the objection which had been made to Church-rates, and contend, that with the Church-rates had been abandoned the principle of a Church Establishment? A word now with respect to the conscientious scruples of the Dissenters. He was called on to make this change, on the ground of giving relief to those conscientious scruples. A broad and intelligible ground was the ground on which they ought to argue this proposition, but such was not the ground on which they did argue it. First they proposed to retain the existing debts. They drew a distinction between the collection of Church-rates for the maintenance of the Church, and the collection of Church-rates for the payment of a debt to be hereafter granted by an assessment in vestry. There might be good reasons for keeping to that arrangement, but, so far as the relief of conscientious scruples was concerned, there was just as great a violation of conscientious scruples in calling on the Dissenters to pay Church-rates for the liquidation of a debt, as for the future consecration of the Church. The right hon. Gentleman, however, attempted to draw a distinction, and said he felt assured that no Dissenter would ask to be relieved from the payment of a debt. Why, if a Dissenter had a right to object to contribute to a rate for the support of a form of worship from which he dissented, he had just as much right to refuse the payment of a rate for the liquidation of a debt incurred for the support of that form of worship. He might say, that it was contracted by a majority, he having been a reluctant part of a reluctant minority. He might have resisted the imposition of the rate, and the incurring of the debt, and yet the right hon. Gentleman admitted, that where the debt existed, the Dissenter should be called on to pay it Surely the calling on the Dissenters to pa for the liquidation of the debt, showed that they did not proceed on the broad ground of granting relief to conscientious scruples. Again, if they did maintain that principle, what would they do with the Dissenters in Scotland? They had never answered that question. In Scotland, they imposed on him who dissented from the Established Church the duty of maintaining the establishment. The landowners had inherited or had bought their property subject to that charge. And if some great landed proprietor, having so inherited his property, and being a member of the Established Church in England, were now to declare that he felt a conscientious scruple against contributing to the relief of the Establishment in Scotland, he would venture to say that if they did not fear the retaliation of the argument, they would denounce it as a most dishonest proposition. But if they admitted the conscientious scruple—if they admitted the principle that those who dissented from the Established Church ought not to be called on to contribute towards its support, he asked again, what did they intend to do with regard to Scotland? They had no scruples there; but, if they had, he apprehended that they would find no bishops' lands to lay hold of there—there was no Commission they could establish there for the purpose of administering ecclesiastical property. In that country there was no superabundant resources possessed by the Church out of which they would be enabled to provide for the repair of its fabrics. Either, therefore, they must make the Dissenters from the Established Church still liable to contribute to the repair of the Church, or they must provide from the public funds an equivalent. He had another reason for concluding that they did not mean to maintain the principle of observing conscientious scruples. When the case of destitution, as regarded the means of religious worship, was stated in a former debate the noble Lord the Secretary of War admitted the strength of the case made out of the want of religious education, and said that it might be the duty of his Majesty's Government to come forward with a proposition to provide out of the public funds additional Church accommodation. If they took that course they would thereby negative the claim of the Dissenters to relief on the ground of conscientious scruples, for a conscientious scruple would be more violated by a new proposal to give increased accommodation than by continuing an impost which had been levied on property for centuries. Government might have a right to say to the Dissenters, "Your property is subject to this burthen, and we will continue it; but it would be much more unsatisfactory to that body of the population, when an ancient fund existed, to propose any new grant for the same purpose." It would be infinitely better, then, on their own showing, to apply the fund already existing to the object contemplated, than to reverse the order of proceeding, to set about finding an equivalent for the Church revenues, and to provide increased accommodation to its members out of the public taxes. The Chancellor of the Exchequer had said, that he argued that landed property was subject to this charge, whether acquired by inheritance or purchase, and yet that he had professed his readiness to relieve it by acquiescing in the proposal of Lord Althorp. Now, he contended, that the advantage of making landed property contribute to the maintenance of the fabrics of the Establishment was the formation of a connexion between the holders of that property and the national Church. The support of an Established Church, it must be admitted, was implied when the State, either by a contribution levied from the landholders, or by a vote from the public funds, provided for the maintenance of its fabrics. Certainly, he should to some extent relieve the land, by acquiescing in the proposition of Lord Althorp, but in a very different degree to that in which he should relieve it by taking the equivalent sum from the property of the Church, because the landed property would contribute a very material part of the amount which might be granted from the public taxes. The landed property of England would contribute no small share of the 250,000*l.* or 300,000*l.* which Lord Althorp proposed to grant instead of the produce of the present Church-rates; but to deprive the Church of that produce would be a simple and unrequited removal of the burthen without providing any substitute. His chief objection, however, to that course was, that it dissolved the existing connexion between the Church and the State. He would throw aside all consideration of the mere sum of which it was proposed to despoil the Church, and look only to the principles which such a proceeding would establish. Government proposed to make the bishops annuitants on a Commission appointed by the State, the majority of which were to be laymen, removable at the pleasure of the Crown, and the heads of the Church, instead of being proprietors, were to receive a fixed stipend, payable every quarter. How, then, could they tell him that they did not alter the condition of the episcopal order, when, instead of possessing a settled property, that property was to be removed from them? They might point to Ireland, and tell him that he had already consented to the enactment of a similar measure in that country. He would quote in return their repeated assurances, when they invited him to agree to the passing of that measure in Ireland, that it was a peculiar case, which did not necessarily establish such a rule in this country. The right hon. Gentleman the Chancellor of the Exchequer had been satiating his curiosity by a perusal of *Hansard's Debates*, following the example of the hon. Member for Tipperary, who had come down to the House the night before loaded with the fruits of a ten years' search through its pages. Never had he been more alarmed than by the preliminary movements of the hon. and learned Gentleman the moment the hon. Baronet near him (Sir F. Burdett) had risen on that side of the House. The learned Gentleman came down absolutely tottering under the weight of Hansard, armed with a formidable collection of instruments from that arsenal, having picked out his vulnerable points from the debates of the last ten years' ascending from 1824 to 1835, and attacked the hon. Baronet with the seeming determination of making him a victim to his prowess. He was reminded of the revolutionists, according to Burke, sharpening their deadly weapons on the carcass of the Duke of Bedford, and coolly examining "how he bellows on the caul and on the kidneys." He thought the hon. Baronet was to have been made the victim of the most scorching display of sarcastic eloquence ever made since that devoted Peer had fallen prostrate, as the *bos humi*, before the withering scorn of the great orator. But he rejoiced to be able to congratulate the hon. Baronet on his escape. He rejoiced to say that the pillars of that noble edifice to which the hon. and learned Gentleman had offered his tribute of reverential homage, while he asserted that in its cornices birds of evil omen had made their lurking-place, remained unshaken after all the puny efforts of the hon. Gentleman's pickaxe and shovel. But the right hon. Gentleman the Chancellor of the Exchequer was not satisfied with Hansard, he had resorted to the still more lugubrious reading of Acts of Parliament, and of private acts too; for it appeared that he had exhausted all the public acts in search of a precedent for the violation of Church property. The right hon. Gentleman, it appeared, had succeeded in finding a private act which answered his purpose, that private act having in it numerous blanks which were left in it by the intelligence of the clerk, the right hon. Gentleman admitting that it might have been intended that it should be amended when occasion required. Yet this was the only ground on which the right hon. Gentleman vindicated the dispossessing the bishops of their property. He knew of similar omissions which had occasioned fatal defects in titles to railway property. He knew a case in which, because the Chairman of the Committee had made a perpendicular mark through the figure 3 instead of a horizontal one, the Act of Parliament had limited the right of the company to their approaches to two years instead of three. He had also heard of an Act in which the penalty appointed was imprisonment, one half to be given to the informer, the other to the King. Unless the House wanted to establish the precedent of interference with landed estates, they must reject the argument of the right hon. and learned Gentleman, who urged, that because the clerks had made a verbal error or omission, Parliament should dispossess the bishops of their landed property. Another reason which might induce him to assent to the proposal of Lord Althorp was, that the substitution of a direct impost for the present Church-rates would so far operate as an equivalent, that it would establish the principle of a connexion between the Church and the State. It would accomplish that which Lord Althorp had declared in that House that it was the duty of the State to do, when on the 21st of April, 1834, he said, "The principal argument used this evening is, that no contribution ought to be made by the State out of the public funds for the purpose of maintaining the fabrics of the Church. I entirely agree with the right hon. Gentleman (Mr. C. Wynn) that it is the absolute duty of the State to provide the means of public religious instruction for the poorer classes of the community." The noble Lord (said Sir R. Peel), who is just now taking a note, can tell the House if the present measure is calculated to retard or to advance that most sacred and important of all the objects of Government. Why, when Ministers made their proposition of 1834, they had this Irish precedent then before them. If they thought this Irish precedent of 1833 so indispensable, why in 1834 had they proposed that the equivalent for the abolition of Church-rates should be derived from the public funds? The right hon. Gentleman complained that an outcry should be raised against Ministers, as being enemies of the Church, because they were enemies of Church-rates. With the motives and intentions of Ministers he had nothing to do; if they professed friendship, he was bound to believe they felt what they professed; but their acts he had a right to consider. And this he would venture to say, that if on any question affecting the interests of Dissenters, Ministers had had a majority of 116, they would have considered that majority to be decisive in their favour. Ministers had a majority of 116 in favour of Lord Althorp's proposition, which they introduced with the Irish precedent before them. Perhaps Ministers might say, "We never anticipated this extraordinary discovery of a new fund, for which the hon. Member for Weymouth has given us such great credit." The hon. Member for Weymouth declared that his obligations to the right hon. Gentleman on this account were extreme, though he was going to vote against him, and that he never could have thought it possible that this divine man could have discovered the fund. Did it never occur to the hon. Gentleman that they had dealt with the bishop's lands in somewhat the same way in Ireland? Did the hon. Gentleman suppose Lord Althorp did not know that the bishops had lands in England, and that if he chose to dispossess them of their property and to run the term of tenure against the life of the lessee, something might be made of it? Lord Althorp, he believed, knew that; yet he never thought of applying such a plan as the present to Ireland. Ministers dealt with the estates of the Irish bishops in a manner not quite so harsh and hostile as that in which they now proposed to deal with those of the English bishops, because they had left them in the possession and management of the episcopal order; but they now distinctly proposed to abolish Church-rates, and to provide an equivalent for them from the Church lands. Formerly Ministers maintained that it was an essential element in the constitution of the Established Church that the State should contribute to the repair of its fabric; and though they announced their intention to abolish Church-rates, they never led the House to believe that they would lay the burthen of the equivalent on the revenues of the Church. Up to a late period, therefore, their opinion must have been clearly in favour of Lord Althorp's proposition. They had but the other day asserted the principle that the Church must have a contribution from the State to preserve its edifices, and that the fund should not be taken from its own property; and now they turned round and charged those who sat on the Opposition side of the House with delusive apprehensions for the safety of the Church, when they adhered to the principles on which Ministers had all along acted, and quoted the doctrines which they propounded. The hon. and learned Member for Tipperary had asked what had passed since 1834 to excite such unfounded fears in the mind of the hon. Baronet near him (Sir F. Burdett). What better answer could he give to the hon. and learned Gentleman's question than that the Administration was now proposing measures directly contrary to those which they had lately brought forward, abjuring the principles they held in 1834, and which they then told the House were essential to the existence of the Establishment? In 1834, the case of religious destitution was not fully made out; Ministers had not yet affixed their signatures to a report declaring that there were no funds at the disposal of the Church for providing increased accommodation, and that the necessity for it was so crying as to demand an immediate remedy; yet they now proposed to take from the Church, property which they then consented to allow her to retain—property which formed the only means she possessed of supplying existing deficiencies, and to apply it to the relief of the land. The right hon. Gentleman the Chancellor of the Exchequer, might disclaim it as loudly as he pleased; but Ministers were allied for the passing of this measure with those whose designs were hostile to the principle of an Establishment. The hon. Member for Middlesex manfully stated his opinion on the subject in 1830. That hon. Member then combated the principle of supplying an equivalent for Church-rates from the public funds; he left Ministers no means of blinking or evading the question, for he rested his objections to the measure on the ground that he was not then satisfied that an equivalent could not be provided from the ecclesiastical property. What was the answer of the noble Lord opposite? The noble Lord declared that he adhered to the principles laid down by Lord Althorp, and repudiated the doctrine of the hon. Member for Middlesex. The noble Lord said this: "He and his colleagues had, of course, little reason to expect the support, on this occasion, of the hon. Member for Middlesex, and others whose object was to destroy; but they did hope to have the support of those who, with themselves, wished to see the Church maintained, at the same time that they entertained a desire to see its abuses reformed and all the practical grievances of the Dissenters redressed." The proposition now made by the noble Lord was directly at variance with that which the noble Lord then invited the friends of the Church to entertain. It was identical in principle with that which the hon. Member for Middlesex proposed, and for which the noble Lord denounced him as a destroyer of the Church. Now, without inquiring as to the extent of the conformity or inconsistency of the present Ministerial policy with the past, or as to the adoption by them of other people's opinions, the noble Lord would allow him to observe, that if in 1834, the noble Lord, with the precedent of the bishop's lands in Ireland before him, denounced a proposition similar to that which he now brought forward as having a tendency to destroy the Church, the noble Lord could not be surprised if the Opposition occupied the ground which he held in 1834, but which he now abandoned, to ally himself with a destroyer. One word, and he came to the concluding observation which he should make. The hon. Member for Weymouth had asked what vote he meant to give on the proposition brought forward by the hon. Member for St. Andrew's? The hon. Gentleman had no doubt been forced to put the question by his strong apprehension that the Government would sustain a defeat, and the circumstance of their agreement in the vote which they should give, might render it advisable to put the hon. Gentleman in possession of the views with which he should record it. It was also right, as there were so many new Members in the House, all fortunately sitting on his side, that he should take the liberty of setting before them, in a form divested of technicality, the mode of acting which he should adopt. Unfortunately, they should not be enabled to give at first a direct vote upon this question; he deeply regretted it, for he wished to negative the proposition of Government on its own grounds. He did not, therefore, mean to imply any predilection for the present system of Church-rates, or the least reluctance to support a proposition similar to that made by Lord Althorp, or to consider any mode by which the admitted objections to the present system could be obviated, but he felt an objection to the proposition of the right hon. Gentleman, who would divest the bishops of all concern in their own lands, and find an equivalent for Church-rates in the ecclesiastical revenues. The hon. Member for St. Andrew's, in a speech which exhibited equal good temper and ability, and which did him great credit, proposed, as an amendment, that they should leave out all the words after "that" for the purpose of inserting these words: "It is the opinion of this House that funds may be derived from an improved mode of management of Church-lands, and that these funds should be applied to religious instruction within the Established Church, when the same may be found deficient, in proportion to the existing population." The hon. Member for Weymouth told him that he was bound to vote for that amendment. The right hon. Gentleman, the Chancellor of the Exchequer, said, it was impossible he could vote for it. It was not necessary, in point of form, that he should explain what course he meant to take when the question was put from the chair; but he should be sorry on any occasion to leave his intentions equivocal, or subject to doubt, when he had the opportunity of fairly stating them. He, then, would fairly say what course he intended to pursue. He could not vote for the hon. Gentleman's amended resolution; and on this ground the hon. Gentleman expressed it as the opinion of the House, that funds might be derived from an improved management of the Church-lands, and that those funds should be applied to the religious instruction of Members of the Established Church. In the first place, he had a great objection to vote for abstract propositions on any subject, unless they were to be the foundation of a measure. The resolution of the Government was to be followed up by a practical measure; but the hon. Gentleman had proposed an abstract proposition, without stating what his intentions were, if it were adopted. He, for one, then, would not consent to affirm an abstract proposition, unless it were to be followed up by a practical measure. But he thought that great doubt might arise, if the proposition of the right hon. Gentleman were permitted to pass unexplained, and, besides, it might be inferred that funds might be derived from this source by the appointment of Commissioners. He objected to the appointment of Commissioners—he objected to the doing of that which might divest the bishops of all interest in the lands. He was opposed then to that proposition; and, again, as to the interests of the lessees, he was not prepared to establish a proposition which might affect the interests of those persons without being in full possession of the subject, and exactly understanding how far the proposition was to go. He knew that the lessees were not in possession of a legal right; but then they had a very long tenure of the property; besides, too, it was to be considered that the Commonwealth had failed in attacking this property—that it was regarded and treated as property which could not be disturbed nor tampered with. Knowing this, he would not consent from that property to give an increase to the funds of the Church without very mature consideration, and the closest regard to the circumstances in individual cases, in order that he might, in attempting to improve those funds in the manner that was proposed, do so consistently with perfect equity. That it was possible to introduce such an improvement as that which had been suggested, he did not deny. He believed that it was possible, consistently with the independent character of the bishops, which ought to be maintained, and of the interest of the lessee, which ought not to be injured. And he at once admitted, that if, consistently with principle, consistently with a liberal construction and an equitable consideration of the rights and interests of the lessees, he could improve the Church-property, then he was ready to maintain that the surplus ought to be applied to the purposes to which the hon. Gentleman intended to appropriate them. He was content with the arrangement of last year as to the emoluments of the bishops, and if he thought that an improvement in the tenure of the property under them could be increased, consistently with their station and their character, and with justice to the lessees, then he should give to the hon. Gentleman his most cordial support in devoting the surplus to the great object to which he sought to apply it. And he hoped that the hon. Gentleman would understand the grounds upon which he at that moment hesitated to vote in support of his proposition: first, because he regarded it as the proposition of an abstract measure; and, secondly, that he feared that the hon. Gentleman assumed a mode for raising an extra revenue which was identified with that of the Government. But, if they could realise a surplus, then he should say, that with his consent the funds ought to be applied to giving church accommodation; and if they could do so, then, he said, let them be appropriated exclusively for the benefit of the poorer classes. He was pleased with the origin of the proposition which they had been discussing. So far from joining in the sarcasm directed against the hon. Gentleman, that this resolution relating to the Church of England was made by a Scoto-Calvinistic Member, he cordially rejoiced that the community of interests between the Established Churches of the empire was demonstrated by the proposal. The time had passed when narrow jealousies between the two Establishments could be permitted to exist; their cause was the same, and for the protection of that cause, they ought cordially to unite. The question at issue between many was this—whether establishments were to be abolished, or whether they were to trust to the voluntary principle for the due and proper maintenance of religion. That was the question directly involved in the proposition before the House; it was so considered by the hon. Gentleman opposite—it was so considered by many Dissenters; and the main ground of discussion was, not the sum that was to be dealt with, but the principle that was involved. It was against that principle that he and his Friends declared themselves—it was in favour of the Establishment, not for the miserable purpose of maintaining its emoluments for individual interests, that it was intended by them to give the plan their strenuous opposition. It was because they believed that the maintenance of the Established Church was so interwoven with the civil institutions of this country, that to preserve it was necessary for the purposes of social concord and internal peace; and also because they believed it to be necessary for the infinitely higher purpose of protecting religion from the assaults of infidelity or of lukewarm indifference, and providing, as the hon. Gentleman had said, for that which was the inalienable right of every member of the community—the means of deriving spiritual instruction and religious consolation from an Established Church, founded in our civil policy, preserved by the State, and deserving of respect from the people.

Lord *John Russell* hoped, that after the explanation that had been given by the right hon. Gentleman of the manner in which he meant to vote with respect to the amendment of the hon. Member for St. Andrew's, that that hon. Gentleman would not think it necessary to press his amendment to a division. The right hon. Gentleman had clearly shown, that to that proposition he would not give his consent; he had stated that the independent character of the bishops and the interests of the lessees would interpose an insuperable obstacle to the proposition of the hon. Member. It was thought by the Ministers, that it was necessary to abolish Church-rates; and that consideration upon their part presented an insuperable obstacle to the adoption of the amendment of the hon. Gentleman; and, therefore, as far as that proposition was concerned, it appeared that neither side of the House was prepared to vote for it, and the only effect of pressing it would be, that they would not be able to come to a decision upon the main question. The House then would not be able to adopt any opinion whatever upon the subject, except to give a direct and unanimous negative to the proposition of the hon. Member for St. Andrew's. He hoped, however, by the withdrawal of the proposition of the hon. Gentleman, that they might be permitted to come to a decision upon the main question which had been proposed by his right hon. Friend on behalf of the Government. At the same time, while he was disposed, with the right hon. Baronet, to commend the spirit with which the hon. Member for St. Andrew's was actuated in proposing his resolution—while he agreed with the right hon. Baronet in expressing his approbation of such a proposition—yet he could not but observe that the right hon. Baronet showed how very little he was disposed to support what was the main object of the hon. Gentleman's resolution. Let it not be forgotten by the House that at the time the proposition was made by his right hon. Friend, they had cited against them not only the authority of a great lawyer in that House, but a still more reverend authority, in another place, to show that the reason why the proposition could not be adopted, was the destitution of religious instruction for the people the object to be first sought for, and till that object was obtained, no such measure as this could be looked to. And now what was said by the right hon. Gentleman as to the surplus? Why there was scarcely a glimpse, hardly a prospect, of any part of such surplus funds being ever applied to meet that religious destitution said to prevail in the country. He would not enter into the question of the lessees. He would first allude to the keeping up, as the right hon. Gentleman called it, the independent character of the bishops. Let the hon. Member for St. Andrews consider what was the nature of the character which was to be preserved to the bishops. He could well understand the principle on which it was proposed that the bishops' incomes should be settled, and whatever might be the income of the bishops, he should believe and hope that they would have the full use and enjoyment of it, as much so and as unquestionably as any private individual. He could well under and the present objection to their case, which was attended with great inconvenience. It was, he considered, a very great inconvenience that bishops, who had only a life-interest in the lands, should, for their own private advantage, have taken larger fines, and then given the lands at low rents and upon long leases. Such things a bishop did for his own great advantage, and to the great injury of the see. There had been examples of such an improvident conduct carried so far as to cause the incomes of bishops to vary in the same see from 500*l.* and 1,000*l.* a-year to 3,000*l.* and 4,000*l.* at other times. It was only a few days ago he had seen a return of a bishop's income, which from 800*l.* a-year had risen to between 3,000*l.* and 4,000*l.* What was the reason of this? The tenants had procured long leases. The bishops had let the lands at low rents some years ago, and it was not until lately that these leases expired. The persons who made such leases enjoyed great advantages from them, but they left their successors impoverished, unable, he would not say, to maintain the splendour of their station, but even that decent hospitality which was necessary to ensure them common respect. There was another disadvantage, too, which followed from the independent control of the bishops over the lands now contended for—it was this: that from time to time (and he begged to make the remark as the right hon. Baronet taunted his right hon. Friend with referring to an Act of Parliament) that the possessors of tithe property had obtained private Acts of Parliament—Acts that had passed through both Houses—and by means of which the immediate income of the bishops was improved, but the sees themselves injured. By such Acts of Parliament, too, the incomes of chapters were improved; but the future incomes of the chapters were much diminished. Those who opposed the present proposition stood upon the principle with Mr. Burke, that Church property ought to be inviolate. That the dignitaries of the Church, being in full possession of the income derivable from their lands, should enjoy it as if it were their private property, was a proposition in which he fully agreed; but it was not the case at present, that the bishops had such a control over their incomes. There were, according to the recent measure, to which Parliament had agreed, Orders in Council, one of which, he believed, issued that very day, stating that this proposition was made to a bishop, if the income of a certain see was more than Parliament had declared it ought to be, to pay a certain sum, and if it were not so large, then the Commissioners were to pay the bishop a certain sum. So that the income, whether it was 5,000*l.* or 8,000*l.*, would be as Parliament had declared it to be, or as the Church Commissioners determined it should be paid. When once this had been done, the whole of that independent control heretofore possessed by the bishops, of which they had heard so much, and of their being proprietors of the land, was at an end. He begged to say to the hon. Member for the University of Oxford, that he had made a mistake. He did not know that a petition had been presented from that body stating their views on that matter, and declaring themselves opposed to such an arrangement. The hon. Baronet was quite right in his assertion. That body had acted consistently on this point; but still, did not the hon. Baronet see that the argument proved that the independent position contended for, on behalf of the dignitaries of the Established Church, was done away with while their incomes were secured. How then were they to act—were they to have the benefit of the arrangement on the one hand, and to get no advantage from it on the other? He wished to say thus much as to the proposed amendment which emanated from the hon. Member for St. Andrew's, and respecting which the right hon. Gentleman had spoken with so much frankness and candour, but at the same time he declared his complete and positive determination to oppose it that night. But there were some other points upon which the right hon. Gentleman had touched, which at that late hour, concerned as he was with the measure, it was necessary for him to say a few words, and he promised the House that they would be as few as possible, as it was not his desire to keep them from an immediate decision on the measure. He must first say that he thought that the right hon. Gentleman had unfairly attacked his right hon. Friend for occupying their time with a topic which was not immediately connected with the question before the House. It ought to be recollected by the House, when this attack was made, that there had been two nights' debate on the subject, and a portion of one of them was occupied by one of the new Members that they had been told about. That new Member had made a speech on the last night, which, as far as regarded argument upon the particular question of Church-rates, was one of the weakest and the lowest he had ever heard. But that speech did also contain an attack upon the Administration with respect to the affairs of Ireland, and with respect to political affairs generally, which, after being addressed to "dear Mr. Pouncey," and published in the newspapers, was brought forward again in the House, and the Members were given the benefit of the correspondence. As that speech, then, contained an attack upon the Administration, and as it was not answered from any one upon the Ministerial benches, at least so they were told by the right hon. Member for Cumberland, who begun another speech by attacking them—following in this the example of the young and ardent recruit in the service. The right hon. Baronet had followed that example, too, by going into the affairs of Scotland and of Ireland, in order to draw from them this inference—that they demonstrated that the present Administration was unfavourable to the Established Church. He might be permitted to say that it was the fault of the hon. Baronet as it was that of the right hon. Member for Cumberland, that such a line of argument had been adopted; and when it had, it was rather hard of the right hon. Baronet to complain that so much time was taken up by a short defence of the Ministers whom the main body of his own forces had assailed. The right hon. Gentleman had stated various arguments with respect to this measure; and hearing in the course laid down some propositions which he was astonished to hear from him—but then the right hon.

Gentleman having exclaimed against all references to former speeches, he might be tempted (only that he was precluded by what the hon. Gentleman now said) from following that right hon. Gentleman's own example. He believed the right hon. Gentleman to be the author of the practice of references to *Hansard.* He, certainly, so far as he was acquainted with the House, thought that it was the right hon. Gentleman who first began the practice; and what a good deal fixed this in his mind was, that when the right hon. Baronet the Member for Cumberland sat on the same side of the House with him, and saw the right hon. Gentleman with a piece of paper or a book before him, he instantly called out, "Now for *Hansard!*" The right hon. Gentleman had, however, given such promises of amendment, he seemed so determined against the following of a practice which he had himself introduced, that he would give up his intention, although he had ready some extracts on the subject of Church-rates, and refrain from referring to *Hansard.* The first argument adopted on this occasion by the right hon. Gentleman was, that it was unjust to relieve the land of Church-rates. He confessed that the argument in itself did not appear to him to be a sound one; and if they were always to act upon the principle that they were to leave upon the land all the burthens that they found upon it, then the wardships and other burthens were never to be removed from it. It would have been a good argument in the reign of Charles 2nd against the removal of the feudal burthens, and no doubt it would have had its effect with the *laudatores temporis acti,* and some lover of the "olden time" in the Parliament of Charles 2nd might have declared that the burthens should be maintained, and that old usages ought not be dispensed with. Such, it appeared, was to be an argument in the present day against the putting an end to that which had been declared to be a vexatious payment. Now, if we were to go to *Hansard,* or to *The Mirror of Parliament,* he could give a quotation, but he was precluded from doing that by the right hon. Gentleman; and he thought therefore he should be able to give the substance. The passage he referred to occurred in consequence of a question put by the noble Lord the Member for Liverpool on the subject of Church-rates. The right hon. Gentleman in the Session of 1835, as they all knew, was in the position of Prime Minister, and it was expedient at that time that the landed interest, instead of being threatened with any burthen to be imposed or continued on it, was, on the contrary, to be relieved from those found to press upon it; and then the noble Lord the Member for Liverpool, who had probably heard the King's speech, or had some private explanation respecting it, on some occasion took occasion to say that "a burthen which rested extremely heavy upon the land, was the burthen of the Church-rates. Knowing it to bear upon the agriculturists greatly, and that they complained of it, he could not help regarding it as one that must come under the consideration of the Government." The noble Lord then moved the Address, and the right hon. Gentleman spoke at the time; but he did not say that Church-rates had been from time immemorial, that they were imposed upon the land, and that they could not be taken off. No; the noble Lord was not told so by the right hon. Gentleman in an indignant tone of voice, but he was told this—he assured the right hon. Gentleman that he was not going to take the passage from the forbidden book—the substance of what the right hon. Baronet said was, that the noble Lord was quite right, he thought the Church-rates pressed most unequally on the land. And what then was said in the debate that night by the right hon. Baronet? Why, that the Church-rates were a burthen which the landed interest must and ought to bear. With respect to the hon. Baronet the Member for Westminster, he was most offensive and unjust to the Dissenters of this country when he stated that they only sought to relieve themselves because their pockets were affected. Now, the hon. Baronet ought to consider that they maintained their own churches and supported their own ministers; and seeing the manner in which the Protestant Dissenters acted, he said that there could not be a more unjust imputation than to say that they cared for their pockets and that they had no other care for the subject. But then this view of the subject was called the "cant of patriotism." He must say this, that the cant of patriotism might be disgusting; but, in his opinion, the recant of patriotism was infinitely more so. It was with the view of establishing religious peace and concord that this measure was supported. It was not because the Dissenters were favourable to the voluntary principle, but because on an entire view of the subject it was regarded as expedient to the general interests of the country. The right hon. Gentleman, he thought, quoted from him words said to have been applied to the hon. Member for Middlesex. Now this, he had no doubt, was to be found in *Hansard;* and although it was very accurate, yet he recollected that what he said then was called forth in consequence of an observation made by the then hon. Member for Colchester, the present Member for Southwark, who declared that it was impossible that the Church of England and religious liberty could co-exist. It was in reply to that observation that he said, the hon. Member wished to destroy, and that they were opposed to him. This was a mistake which had occurred in the report of the debate, and although the error might be trifling, yet it could be easily seen that it altered the whole sense of the passage. He was aware that the House had heard so much on that debate, that he did not wish to quote a private Act which he had in his hand, and which bore upon this subject. It showed, that in the year 1096 two prebends were given for the purpose of keeping the cathedral of Lichfield in repair. [Lord *Stanley:* But cathedrals and parish churches are different things.] The whole point of difference, in the opinion of the noble Lord, seemed to be to have the proceeds applied to a cathedral, and not to a parochial church. This might be a good reason to object against the measure, but he did not see if Church property were taken to repair a cathedral, why it should not be applied to a parish church. As to the manner in which the Irish question was to be used on this debate, he did not say, that they ought to accede to this measure because they had agreed to the abolition of Church-rates in Ireland, but he said, that the abolition of Church-rates showed that there could be a Church Establishment without a Church cess. They were not to be bound by the precedent, but he maintained that the abolition of Church-rates could not be the destruction of an Established Church. He should not further enter into that argument, but he must refer to what he would not call an argument, but a reference, in which the hon. Baronet told them that there was another place in which the decisions of that House would be reversed. He must say, that this reference did recal to his mind some former recollections. He did recollect when the hon. Baronet was the advocate of a reform in the House of Commons, when the hon. Baronet went a great deal too far in the measures which he proposed, and in the inflammatory topics with which he urged them. At that time the hon. Baronet said, that "the Gentlemen assembled in that room," and when called to order, the hon. Baronet said, that "that House, falsely calling itself the Commons' House of Parliament"—the hon. Baronet at that time used terms inconsistent with the forms and orders of that House. The hon. Baronet used to indulge himself in saying, that the Gentlemen in that House did not fairly represent the people. Was it to be borne that the hon. Baronet, having in such a manner stated that that House did not fairly represent the people —was it to be borne that now, when that House did fairly represent the people, the hon. Baronet should insult them, by telling them that he did not care for their decisions, that he despised their resolutions, and that he looked to another House of Parliament for the reversal of their resolutions? He would conclude by saying, that this measure had been brought forward in the view, that while it conceded what might reasonably be demanded on the part of the Dissenters, it tended likewise to produce harmony in the country, and place the Church Establishment in greater security. Why should they go on, year after year, having these squabbles in vestries about the levying of Church-rates? The Church might in one place gain a victory, and lose in another. Where it might get a majority of 250 to 240, in another place they might get 1,020 to 960, or some such number. They might be at the moment proud of these victories, but they might depend upon it, that if the Church chose to foment these dissensions, if they were proud of these victories, these very victories, instead of giving security to the Church, were undermining its foundations, they were compelling many Churchmen to coincide and combine with the Dissenters, and those who now professed to support the Church might, at another time, regret that they had not adopted the scheme proposed by his Majesty's Ministers. He had stated the object for which this measure was proposed, and he would only add, for himself and his colleagues, that having done their duty, they would rest satisfied with the part they had performed.

Mr. *A. Johnstone*, after the explanation of the right hon. Baronet opposite, would not interfere with the House coming at once to a direct vote on this question. He begged, therefore, with the permission of the House, to withdraw his amendment.

The House divided on the original resolution:—Ayes 287; Noes 282: Majority 5.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Viscount
Angerstein, John
Anson, Colonel
Anson, Sir George
Astley, Sir Jacob, bt.
Attwood, T.
Bagshaw, John
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, Alex.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Belfast, Earl of
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C.
Bernal, Ralph
Bewes, T.
Biddulph, Robert
Blake, M. J.
Blunt, Sir C.
Bodkin, J.
Bowes, John
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W, B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, Edw. L.
Burdon, W.
Burton, Henry
Butler, hon. P.
Buxton, F.
Byng, George
Byng, G.
Callaghan, G.
Campbell, Sir J.
Campbell, W. F.
Carter, B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chetwynd, Captain
Chichester, J. P. B.
Churchill, Lord C.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, Edward Bolton
Codrington, Sir E.
Collier, John
Collins, W.
Conyngham, Lord A.
Cookes, T. H.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, Samuel
Curteis, H. B.
Curteis, Edward B.
Dalmeny, Lord
Denison, W. J.
Denison, John E.
Denistoun, A.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, Colonel
Ellice, right hon.
Ellice, E.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fellowes, N.
Fenton, John
Fergus, J.
Ferguson, Sir R.
Ferguson, Robert
Fergusson, R. C.
Finn, W. F.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, Chris.
Fleetwood, Peter H.
Folkes, Sir W.
Fort, John
French, F.
Gaskell, Daniel
Gillon, W. D.
Gisborne, T.
Gordon, Robert
Grattan, J.
Grattan, Henry
Grey, Sir Geo., bart.
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Handley, Henry
Harland, Wm. Chas.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T. T.
Holland, E.
Howard, R.
Howard, Philip Hen.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, W.
James, William
Jephson, C. D. O.
Jervis, John
Labouchere, H.
Lambton, Hedworth
Lee, John Lee
Lefevre, C. S.
Lennard, T. B.
Leveson, Lord
Lister, E. C.
Lushington, Dr. S.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mangles, J.
Marshall, William
Marsland, Henry
Martin, T.
Maule, hon. F.
Melgund, Viscount
Methuen, Paul
Molesworth, Sir W.
Moreton, A.
Morpeth, Viscount
Morrison, J.
Mostyn, hon. E. L.
Mullins, hon. F. W.
Murray, J. A.
Musgrave, Sir R., bt.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
O'Ferrall, R. M.
Oliphant, L.
Ord, W. H.
Paget, Frederick
Palmer, General
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain R.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Phillips, C. M.
Pinney, W.
Ponsonby, J.
Potter, R.
Poulter, John Sayer
Power, James
Power, John
Poyntz, Wm. Stephen
Price, Sir Robert
Pryme, George
Pryse, Pryse
Ramsbottom, John
Rice, right hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Robinson, G. R.
Roche, W.
Roebuck, John A.
Rolfe, Sir R.
Rooper, J. Bonfoy
Rundle, John
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Scholefield, J.
Scott, James W.
Scrope, G. P.
Seale, Colonel

Seymour, Lord
Sharpe, General
Sheil, Richard L.
Simeon, Sir R. G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Speirs, Alexander
Stanley, W. O.
Stewart, P. M.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strutt, E.
Talbot, C. R. M.
Talbot J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thompson, Paul B.
Thornley, Thomas
Tooke, W.
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Tynte, C. J. K.
Verney, Sir H., bart.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, J. C.
Whalley, Sir S.
White, Samuel
Wigney, Isaac N.
Wilbraham, G.
Wilde, Serjeant
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Winnington, H. J.
Wood, C.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W.
Wyse, Thomas

TELLERS.

Stanley, Edward J.
Steuart, R.

List of the NOES.

Agnew, Sir A.
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Viscount
Ashley, hon. H.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, C.
Baring, F.
Baring, H. Bingham
Baring, W. B.
Baring, T.
Bateson, Sir R.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, Richard
Blackburne, John L.
Blackstone, W. S.
Boldero, Henry G.
Bolling, William
Bonham, R. Francis
Borthwick, Peter
Bradshaw, James
Bramston, T. W.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Buller, Sir J. B. Yarde
Burdett, Sir Francis
Burrell, Sir C. M.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess
Chaplin, Colonel
Chapman, Aaron
Chichester, A.
Chisholm, A.
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Viscount
Compton, H. C.
Conolly, E. M.
Cooper, E.
Coote, Sir C.
Copeland, W. T.
Corry, hon. H. T. L.
Crewe, Sir G., bart.
Cripps, Joseph
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Dick, Q.
Dottin, Abel Rous
Duffield, Thomas
Dugdale, W. S.
Dunbar, George
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Sir P.
Elley, Sir J.
Elwes, J.
Estcourt, T. G.
Estcourt, T.
Farrand, R.
Feilden, W.
Ferguson, Sir R. A.
Ferguson, G.
Finch, George
Fitzroy, H.
Fleming, John
Foley, Edw. Thomas
Follett, Sir W.
Forbes, William
Forester, hon. G.
Forster, C. S.
Fox, Charles
Freshfield, James W.
Gaskell, Jas. Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, Wm. E.
Glynne, Sir S. R.
Goodricke, Sir F.
Gordon, hon. W.
Gore, W. Ormsby
Goring, H. D.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Greene, Thomas
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, James
Hamilton, Geo. Alex.
Hamilton, Lord C.
Hanmer, Henry
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E. S., bart.
Henniker, Lord
Herbert, hon. Sidney
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hogg, James Weir
Hope, hon. James.
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hoy, James Barlow
Hughes, Hughes
Ingham, R.
Inglis, Sir R. H.
Irton, Samuel
Jackson, Sergeant
Jermyn, Earl of
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, Wilson
Jones, T.
Kearsley, J. H.
Kerrison, Sir Edw.
Kirk, P.
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefroy, Anthony
Lefroy, Thomas
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lewis, David
Lincoln, Earl of
Long, Walter
Longfield, R.
Lopez, Sir R.
Lowther, Col. H. C.
Lowther, Viscount
Lowther, J. H.
Lucas, Edward
Lushington, S. R.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Martin, J.
Mathew, Captain
Maunsel, T. P.
Meynell, Captain
Miles, W.
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J., bt.
Morgan, Chas., M. R.
Mosley, Sir O., bart.
Neeld, Joseph
Neeld, John
Nicholl, Dr.
Noel, Sir G.
Norreys, Lord
O'Neill, General
Ossulston, Lord
Owen, Sir John, bart.
Owen, Hugh
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M.
Patten, John Wilson
Peel, Sir R., bart.
Peel, Colonel J.
Peel, Edmund
Pelham, hon. C.
Pemberton, Thomas

Penruddocke, J. H.
Perceval, Col.
Pigot, Robert
Plumptre, J. P.
Polhill, Captain F.
Pollen, Sir J., bart.
Pollington, Viscount
Pollock, Sir F.
Powell, Colonel
Praed, Winthrop M.
Price, S. G.
Price, Richard
Pringle, A.
Pusey, P.
Rae, Sir Wm., bart.
Reid, Sir J. R.
Richards, John
Richards, Richard
Rickford, William
Ross, Charles
Rushbrooke, Colonel
Rushout, B.
Russell, C.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scourfield, W. H.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir George
Smith, A.
Smith, T. A.
Smyth, Sir H., bart.
Somerset, Lord E.
Somerset, Lord G.
Spry, Sir S.
Stanley, E.
Stanley, Lord
Stewart, John
Stuart, Lord D.
Stormont, Viscount
Sturt, Henry Chas.
Tennent, J. E.
Thomas, Colonel
Tollemache, hon. A.
Townley, R. G.
Townsend, Lord J.
Trench, Sir F.
Trevor, hon. A.
Trevor, Hon. G.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, John
Welby, G. E.
Weyland, Major
Whitmore, Thomas C.
Wilbraham, hon. B.
Williams, Robert
Williams, T. P.
Wilmot, Sir J. E.
Wilson, H.
Wodehouse, E.
Wood, Colonel
Wortley, hon. J.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Freemantle, Sir T.
Clerk, Sir G.

Paired off.

AGAINST.	FOR.
Barneby, John	Beauclerk, Major
Calcraft, J. H.	Bellew, Sir P.
Charlton, E. L.	Brabazon, Sir W.
Clive, Viscount	Childers, J. W.
Corbett, T. G.	Dobbin, L.
Dowdeswell, W.	Fazakerly, N.
Duncombe, hon. W.	Fielden, John
Egerton, W. T.	Fitzsimon, N.
Egerton, Lord F.	Grosvenor, Lord R.
Fancourt, Major	Hallyburton, Lord D.
Hay, Sir J.	Heneage, E.
Hill, Sir R.	Horsman, E.
Ker, D.	Loch, J.
Knight, Henry Galley	O'Brien, Cornelius
Mandeville, Viscount	Ponsonby, hon. W.
Marsland, T.	Roche, D.
Maxwell, H.	Sanford, E.
Plunket, H. R.	Tracy, C. H.
Ryle, J.	Tynte, Colonel
Scott, Lord J.	Vivian, Major
Wynn, Sir W. W.	Walker, R.

HOUSE OF LORDS,

Thursday, May 25, 1837.

MINUTES.] Petition presented. By Lord STRAFFORD, from a Parish in Hampshire for the abolition of Church-rates.

HOUSE OF COMMONS,

Thursday, May 25, 1837.

MINUTES.] Petitions presented. By Sir J. C. HOBHOUSE, from the East-India Company, to be heard by Counsel against the Bill for giving compensation to their excluded Maritime Officers.—By Sir E. WILMOT, from Leeds, in favour of the Summary Convictions Bill.—By several hon. MEMBERS, from various places, for the Ministerial Plan for the abolition of Church-rates.—By W. S. O'BRIEN, from places in Ireland, expressing confidence in his Majesty's present Government, and praying for the abolition of Church-rates in England.—By several hon. MEMBERS, from various places, to support his Majesty's present Government.—By Mr. CURTEIS, from the Medical Practitioners of Sussex, complaining of the present Poor-law.—By Mr. J. MAXWELL, from Weavers of Spitalfields, against so much of the Act of 5 Geo. 4th, cap. 96, as requires that the Magistrate's place of residence be the same as that of the Complainant and Offender.—By Lord SANDON, from Liverpool, for establishing a communication with the East Indies, by way of the Red Sea.

OFFENCES AGAINST THE PEACE (IRELAND).] Mr. *Sharman Crawford*, on rising to move the repeal of the Act of the 5th and 6th William 4th, c. 48, intituled, "An Act for the Prevention and more speedy Punishment of Offences endangering the public peace in Ireland," said, that he should have greatly rejoiced if the motion he was about to make had emanated from his Majesty's Government; but, as that had not been done, he had felt it his duty to persevere in bringing the subject under the consideration of the House; for this Act was of such a nature, that it could only be justified by a case of extraordinary necessity; and, if that necessity could not be shown to exist, then such an enactment ought not to be allowed a place in the Statute-book. After reciting several clauses of the Act, with a view of showing its extreme stringency, the hon. Member went on to observe, that it might be objected to him that this statute was never acted upon. He would admit that it had never been acted upon by the Government of Lord Mulgrave; but if the Irish people were to depend for their rights and liberties on the forbearance of a government, he thought the case of their rights and liberties would be perilous indeed. Suppose that a government were disposed to act with partiality (he did not care whether towards Catholics or Protestants), and appointed partial sheriffs, who would summon partial juries, how, he asked, was a poor man to appeal to a partial government for justice against a partial sheriff or partial jury? Then how liable was the poor man to fall into some of the offences created by this statute from his inevitable ignorance alone. He had no watch to tell the precise hour after sunset or before sunrise, and consequently he might, while returning from market, or from watching his sheep, or while abroad on other lawful occasions, become liable to the penalties of this very severe enactment. As he had said, however, he admitted the law might be justified in case of absolute necessity; and he was sorry not to see the hon. and learned Member for Kilkenny in his place, because that hon. and learned Member had stated in a letter addressed to him (Mr. S. Crawford) that he was ready to prove at any proper opportunity this law to be constitutional and just. He (Mr. S. Crawford) had now, for three months, had a notice of this motion on the books, in order to afford the hon. and learned Member for Kilkenny an opportunity of proving this to be the character of the measure. In fact, it was a measure of such a character that he would say, notwithstanding the explanations which they had heard from his Majesty's Government on various occasions respecting the degree of peace that was preserved in Ireland, with a view of evincing the propriety of establishing a system of popular control in Municipal Corporations, that a people among whom such a measure as this was found necessary to keep them in order were not fit to have the exercise of popular control. This Act created three new offences before unknown to the common law, and subjected offenders against it to be tried by a summary process, and not by a jury; and he called, therefore, upon hon. Gentlemen, whether Catholic or Protestant, to guard against an arbitrary law, which it could not be to the advantage of either party to keep on the Statute-book in contradiction to the first principles of liberty. He moved, that the Act of the 5th and 6th William 4th, cap. 48, be repealed.

Viscount *Morpeth* expressed his regret that his Majesty's Ministers could not reconcile it with their sense of duty to assent to the motion of the hon. Gentleman. The House would recollect, that in 1833 and 1834, the state of Ireland was such that the House felt itself bound to pass two laws of a very stringent and coercive character. He would not now discuss the propriety of those measures, or inquire as to the sufficiency of the grounds on which they were submitted to Parliament. In the year 1835, his noble Friend (Lord Melbourne), thought he was justified in proposing a measure of a less severe and stringent character, and which, by extending over a larger period of time, would avoid the objection of frequent renewal. His enactment, then, was for a period of five years, and Parliament having taken all the circumstances into consideration, he thought it would be exceedingly inconvenient, instead of waiting for the expiration of that period, to go into the question with a view to the cancelling the arrangement which had been made. He admitted, that his hon. Friend did express his dissent from the measure at the time it was introduced; but he thought he might add, that it passed through both Houses of Parliament, his being almost the only dissentient voice. His hon. Friend told them that the measure had been a dead letter. He was happy to say, that the Government had not been called on to act upon it. Though, however, he trusted he was warranted in thinking that there was nothing in the state of Ireland of a very menacing or dangerous character, he could not flatter himself that things had quite attained to such an extraordinary degree of improvement that, whatever changes could occur, the House would be disposed to dispense with the powers which the Act created. Seeing, then, that no practical inconveniences had resulted from the law, and that it was passed with a perfect understanding as to the period of its duration, he hoped that his hon. Friend would not press his motion, while there were other important practical measures awaiting the consideration of the House.

The House divided:—Ayes 5; Noes 87: Majority 82.

List of the AYES.

Aglionby, H. A.
Brotherton, J.
Butler, hon. Pierce
O'Conor Don
Vigors, N. A.

TELLERS.
Crawford, W. S.
O'Brien, W. S.

List of the NOES.

Agnew, Sir A.
Arbuthnot, hon. H.
Baines, E.
Baring, F. T.
Bonham, R. Francis
Borthwick, Peter
Bridgman, H.
Brownrigg, S.
Burrell, Sir C. M.
Canning, Sir S.
Chichester, J. P. B.
Clive, Edw. Bolton
Clive, hon. R. H.
Curteis, Edward B.

Dillwyn, L. W.
Dundas, J. D.
Eastnor, Viscount
Elwes, J.
Estcourt, T. G.
Estcourt, T.
Evans, G.
Fector, J. M.
Feilden, William
Fergus, J.
Forbes, Wm.
Forster, C. S.
French, F.
Gisborne, T.
Gordon, Robert
Gordon, hon. W.
Goring, H. D.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Grey, Sir Geo., bart.
Hamilton, Geo. Alex.
Hay, Sir A. Leith
Hector, C. J.
Hinde, J. H.
Hutt, Wm.
Inglis, Sir R. H.
Irton, Samuel
Knatchbull, Sir E.
Labouchere, H:
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lowther, J. H.
Mahon, Viscount
Mangles, J.
Maunsell, T. P.
Morpeth, Viscount
Neeld, Joseph
O'Connell, D.
O'Connell, Morgan
Palmer, George
Palmerston, Viscount
Parrott, J.
Peel, rt. hon. Sir R.
Perceval, Col.
Pollen, Sir J., bart.
Price, Sir Robert
Rice, rt. hon. T. S.
Richards, Richard
Rickford, William
Rooper, J. Bonfoy
Ross, Charles
Russell, Lord John
Scrope, G. P.
Shaw, rt. hon. F.
Sinclair, Sir G.
Smith, R. V.
Stanley Lord
Stuart, V.
Strickland, Sir G.
Talbot, J. Hyacinth
Tennent, J. E.
Thomson, C. P.
Trevor, hon. A.
Vere, Sir C. B.
Verney, Sir H., bart.
Weyland, Major
Williams, W. A.
Winnington, H. J.
Wrightson, W.
Wrottesley, Sir J.
Young, J.

TELLERS.
Parker, John
Steuart, R.

French Compensation Fund.] Mr. *Mackinnon* rose to move for "a Select Committee for the purpose of taking into consideration the claims of D'Arcy Talbot, Esq., and other claimants on the French Compensation Fund." The House would not by the result of the decision of such a Committee dip into the public purse, but merely apply certain funds now in the hands of the Government. Those funds had been granted by the Government of France in 1815, and had been vested in Commissioners for distribution to the claimants, among whom was D'Arcy Talbot, Esq., a Roman Catholic Gentleman of the highest respectability. His claim was for 31,000 francs; it was one not to be contradicted, and he had informed the first Commissioner, that he should require more time than would elapse before they made their award to produce the documents necessary to satisfy them of his right. The first award had been made in 1820. In 1826 another allotment was made, and, although the documents were forthcoming, yet the claims of Mr. Talbot were not regarded, because the Commissioners did not consider themselves empowered to investigate any other claims than those preferred after the making of the first award. In 1830, by an Act of Parliament, a new set of Commissioners were appointed, with powers to decide on all proper claims. To this Commission Mr. D'Arcy Talbot submitted his claim, and what did the Commissioners do? They refused to listen to his application, on the ground that there was a *distringas* laid upon the money which he claimed while in the hands of the French Government, as early as 1793, by a M. Calambourt, and that unless they had some further proof they could not allow the money to be paid until the *distringas* was removed. "But," said the Commissioners, "we will pay you the interest on the money," and accordingly a sum of 4,000 livres, and another sum of 1,535 livres, were paid to him by the Commissioners, who thereby admitted the claim, and his right to the principal. Now he asked whether this did not form a case to go before a Committee? It must be borne in mind that there were ample funds to defray those claims in the hands of his Majesty's Government, which had been handed over to them by the Commissioners of his Majesty's Woods and Forests, and therefore nothing would be taken out of the pockets of the people. The noble Lord who led the House, and the right hon. Gentleman, the Chancellor of the Exchequer, had supported the claims of Mr. D'Arcy Talbot while they sat on the opposition side of the House, and he hoped, therefore, that the right hon. Gentleman would now neither "wheel about nor turn about," nor refuse to entertain a claim which he had formerly supported with all that brilliancy of talent for which he was distinguished. The hon. Member concluded by moving for a Select Committee.

The *Chancellor of the Exchequer* said, the House could not enter upon the question in its present shape, and even if it were presented in a modified form, there would be an objection to the proposition which, in his judgment, would prove insurmountable. In the first place the hon. Member asserted, that there were sufficient funds to meet those claims in the hands of the Commissioners of Woods and

Forests. Now, first as to the matter of fact, and then as to the matter of argument. There were no such funds in the hands of the Commissioners of Woods and Forests, although there were some years back. He trusted, however, whether the money was sought from the Woods and Forests, or by a vote from that House, the result would be the same, and that an endeavour would be made, both in the one case and the other, to do what was just. Reference had been made to his own opinions on a former occasion, but he trusted that no Member of that House would be induced to give his vote on the opinion of an individual Member of Parliament, delivered too upon a former occasion. He did not contend in 1828 that the House itself ought to take cognizance of this matter, but only that his right hon. Friend should take the claims into consideration, if there was any balance at the Treasury remaining unappropriated. If the House agreed to this motion, they would be opening the whole question of French compensation, and not merely Mr. D'Arcy Talbot, but the Baron de Bode, and all other disappointed claimants, would be let in by the terms of the motion now made, which embraced every possible case that had ever been submitted to the Commissioners, and the actual orders which had been made by the Treasury for the distribution of the fund would be delayed, and parties would be deprived of the result to which they were entitled to look forward. The facts of the case were well known to the House. The Commission which was first appointed closed its labours without exhausting the whole of the funds at its disposal. The Duke of Wellington considered the claims of the parties who professed to have an interest in their distribution, and having done so prepared a Treasury minute, which was now on the table of the House, pointing out the relative classes of claimants, and how they ought to come before the public as participators in the compensation fund; for it was to be observed, that many of these were paid in full, but were only declared entitled to partial payment. Application was made when the Duke of Wellington went out of office to the Government which succeeded, as was always the case, to reverse the decision of its predecessor. He was himself inclined to think, that one part of the Duke of Wellington's minute might have been otherwise; but Lord Spencer, who considered the case with very great attention, differed from him, and confirmed the Duke of Wellington's minute as being strictly in accordance with the justice of the case. Money, however, still remained to be distributed, and a new Commission was appointed by Lord Grey's Government for that purpose. Documents in proof of his claim were lodged by Mr. D'Arcy Talbot, and that he was entitled to go before the second Commission, and he was heard over and over again, and a decision was given against him. If they entertained individual cases, such as those of the Baron de Bode, or the Troutbeck case, or that of Mr. D'Arcy Talbot, they would expose themselves to all the hazard of a personal canvass and all the other inconveniences which were inseparable from such a step, like a Committee on a private Bill. On these grounds he trusted the House would agree with him in thinking that it was not proper to appoint this Committee. He might add as another ground for not complying with the motion, that the Treasury had been served that very day with notice of a bill being filed in Chancery with respect to these claims. If an appeal lay, let it be made to a court of law, but let the House not be seduced into undertaking functions which they could not properly perform.

Mr. *Goulburn* said, that when the Treasury minute arranged this matter under the Duke of Wellington's Government in 1829, he had thought it all ended, and certainly nothing had since occurred to make it desirable that the matter should be reopened, as all the parties had a right to appeal from the adjudication. He doubted much whether, in point of form, the parties had the power to apply to Parliament on the subject, unless the consent of the Crown were given—for when they applied they did not appeal so much to the justice of Parliament as to the liberality of the Crown. Under all the circumstances, if the matter were pressed to a division, he must oppose the motion.

The House divided:—Ayes 39; Noes 49: Majority 10.

List of the AYES.

Attwood, T.
Bonham, R. F.
Bridgman, H.
Broadwood, H.
Bulwer, H. L.
Chapman, L.
Chichester, A.
Crawford, W. S.

Evans, G.
Fector, J. M.
Forbes, W.
Gore, O.
Goring, H. D.
Goulburn, Sergeant
Hamilton, Lord C.
Hutt, W.
Jackson, Sergeant
Lennox, Lord A.
Longfield, R.
Lowther, J. H.
Mathew, G. B.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
O'Conor Don
Palmer, General
Palmer, R.
Perceval, Colonel
Praed, W. M.
Richards, J.
Shaw, right hon. F.
Smith, B.
Stuart, Lord D.
Talbot, J. H.
Trevor, hon. A.
Vigors, N. A.
Walker, C. A.
Walter, J.
Young, J.

TELLERS.

Mackinnon, Mr.
Lynch, A. H.

List of the Noes.

Aglionby, H. A.
Alston, R.
Beckett, Sir J.
Bewes, T.
Brotherton, J.
Brownrigg, S.
Byng, G.
Campbell, Sir J.
Crompton, S.
Donkin, Sir R.
Dundas, hon. T.
Fenton, J.
Gisborne, T.
Goulburn, rt. hon. H.
Hector, C. J.
Hindley, C.
Jones, T.
Irton, S.
Labouchere, H.
Lemon, Sir C.
Lister, E. C.
Mangles, J.
Marsland, H.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Palmerston, Viscount
Parnell, Sir H.
Pattison, J.
Peel, rt. hon. Sir R.
Pelham, J. C.
Price, R.
Pryme, G.
Pusey, P.
Rice, T. S.
Richards, R.
Rundle, J.
Smith, R. V.
Stanley, E. J.
Stuart, R.
Strickland Sir G.
Thompson, C. P.
Thornley, T.
Troubridge, E.
Vyvyan, Sir R.
Woulfe, Sergeant
Wrightson, W.
Young, G. F.

TELLERS.

Baring, F. T.
Parker, J.

Occupation of Cracow.] Lord *Dudley Stuart* said, he should be sorry to stand in the way of a question interesting to Irish Members, but having given notice of the present motion so long ago as before Easter, and having been precluded from bringing it forward on a former occasion by the Government having given precedence to Orders of the Day on motion days, he felt bound under those circumstances to proceed. He hoped, before he sat down, to be able to show that the question was important, though it might not appear to be so to those who had only superficially considered it. He trusted to be able to prove, that the question he was about to submit to the House was a question interesting to the country, to Europe, to humanity. A question affecting the character of the present Government, and particularly the conduct of the noble Lord the Secretary for Foreign Affairs. If he should succeed in showing the House that there were Parliamentary grounds for the present motion, he trusted that the House would support him, and not allow the noble Lord to put aside his motion, if he felt so inclined, upon some flimsy excuse, or some unsatisfactory explanation. The motion which he had to submit to the House was for "Copies of any correspondence between this Government and the governments of Russia, Prussia, or Austria, or between this Government and the government of Cracow, relating to the entrance of foreign troops into the territory of that republic; also, copies of any correspondence between this Government and the before-mentioned governments relating to the appointment of a British Consul at Cracow." This question had been so ably expounded on a former occasion by the hon. Member for Lynn, and the facts were so fresh in the recollection of the House, that he would content himself with a very brief statement. The State of Cracow, though small in extent and limited in population, was thought of sufficient importance to be made the subject of a separate convention, which was signed by the three Great Powers, Austria, Russia, and Prussia. By the 18th article of the Treaty of Vienna that separate convention was declared to be of the same validity as if it was word for word in the text of that treaty. The 1st article declared Cracow and its territory to be free, independent, and a strictly neutral city under the protection of the three Great Powers. The 6th article declared that the three States were bound to protect the neutrality of Cracow, and that no armed force under any pretence whatsoever should be allowed to enter that territory. To this all the three Powers were parties, and any one of them could not do any thing to violate it without being guilty of a breach of faith to each other, as well as to this country. In 1831 a Russian force entered the State of Cracow, and remained there for two months. When they first entered they promised to pay for the support of the troops (though this was a point in no way affecting the question), and on going away the general refused all payment, stating that it was a just punishment for their disaffection. In 1832 the Three

Powers, without giving England any information of intending such a step, took possession of Cracow with a number of troops. In 1833 the Three Powers took on themselves to abolish the old Constitution and establish a new one. Now, had the old constitution been one of the worst, and the new one one of the best, he contended that the act would be no less a violation of the Treaty of Vienna, and an interference with that independence which they had guaranteed to maintain. But this was not the case. By the old constitution the Representative Assembly had the right to choose its President. The new constitution vested the appointment of the President in the Three Powers. Under the old constitution there were twelve senators; the new reduced them to eight. Nine professorships in the university were abolished, and amongst them that of Polish literature and law, as if they sought to destroy every vestige of Polish nationality. The 1st article of the new constitution declared Cracow a free, independent, and neutral State, under the protection of the Three Powers. One of the excuses for this armed occupation of Cracow was, that it was becoming a focus of disaffected persons, who entered into plots dangerous to the governments of the Three Powers. But what did these plots amount to? Notwithstanding a most rigorous police, inquisitorial proceedings, and numerous arrests, all they had been able to discover amounted to nothing more than this:—It appeared that on the occasion of the illumination in honour of the birthday of the Emperor of Russia a window was broken by some person flinging a chesnut, and a person was found murdered. He certainly believed that there were plots and treachery, but the plots were on the part of these Powers themselves, and the treachery was practised by the paid agents of Russia. He contended that there had been no case whatever to justify the Three Powers in what they had done. One of the pretences was, that seditious books had been found in the hands of some of the students of the university, but on inquiry being made by the government of Cracow, it was discovered that these seditious books had been placed in the hands of the students by the professor of Russian literature, and he still held his place notwithstanding this fact. There was enough to show that Russia, from designs of her own, was, through her agents, exciting disaffection in order to have a pretence for interference. He admitted that whilst the Three Powers bound themselves to protect the independence of Cracow, that State was bound not to harbour disaffected persons. There was a stipulation that Cracow should not harbour runaways, persons under prosecution, or deserters; and that on such being found on her territory, she was bound to surrender them, under a proper escort, to the guard appointed at the frontier to receive them. He contended that the only ground or pretence was, that Cracow harboured the Polish refugees; but he denied that the Polish refugees came within the description contained in this stipulation. He really thought the conduct of the Three Powers so infamous that, if a conspiracy was hatched at Cracow, and any of the Powers subverted in consequence, and a democratic form of Government substituted in the place of the present form, the Treaty of Vienna would fully warrant such conduct. He had argued the case as if Cracow had refused to comply with the wishes of the Three Powers. But no refusal had been made. An order was sent to have the political refugees dismissed from the territory, and 300 were immediately desired to leave the city. One would have supposed that so little opposition, or, to speak more correctly, so much resignation, would have purchased some immunity from the outrageous demands of the Three Powers. But no such result had taken place. He would read to the House, on this point, a letter which had appeared in the *Foreign Quarterly Review* for January last, from the President of Cracow to Prince Metternich. It bore the date of the 25th of February, 1836. The noble Lord read the letter accordingly, which he said he had good reason to know was authentic.

House counted out.

HOUSE OF LORDS,

Friday, May 26, 1837.

MINUTES.] Bills. Read a second time:—Turnpike Acts; Continuance.

Petitions presented. By the Bishops of HEREFORD, ROCHESTER, and other Noble LORDS, from various places, against the abolition of Church-rates; and by Lords SEGRAVE, BROUGHAM, and the Earl of RADNOR, from various places, for the abolition of Church-rates.—By Viscount MELBOURNE, from various places, against any alteration of the Poor-law.—By Lord LIFFORD, from various places, for the abolition of Church-rates.

DUBLIN POLICE.] On the motion of Viscount *Duncan*, the House resolved itself into a Committee on the Dublin Police Bill.

On clause 2, empowering the Lord-lieutenant and Council to add any parish or place in the county of Dublin, situate within eight miles of the castle of Dublin, to the Metropolitan Police District,

Lord *Fitzgerald* objected to the clause, the object of which was understood to be to include the town of Kingston in the Bill, as being much too vague and undefined. It would confer power on the Lord-lieutenant, not only over the greater part of the County of Dublin, but also within the bounds of the adjoining counties. He moved that the clause be omitted.

Viscount *Duncannon* was understood to say, that though he was himself unacquainted with the county of Dublin, he had received information which led him to conclude that it would be highly expedient to extend the operation of the Bill, as was proposed in the clause under their Lordships' consideration.

The Committee divided on the clause:—Contents 17; Not Contents 28: Majority 11.

Clause rejected.

Viscount *Duncannon* moved, that the House do resume.

Viscount *Ellenborough* trusted, that the Bill would not be withdrawn merely on account of the rejection of the second clause, as it contained many good provisions, and he should much wish to see it passed into a law with some modifications.

Viscount *Duncannon* said, that those on whom rested the duty and responsibility of carrying the Bill into effect must take time to consider whether it could be satisfactorily carried into execution, after the rejection of a clause so material.

Lord *Fitzgerald* said, that the responsibility of throwing the Bill overboard of course rested with the noble Lord opposite, and he hoped the public would understand that it was to His Majesty's Government they were indebted for the loss of the salutary provisions of the Bill, as well as for not having Kingston incorporated in it. It was not to those who voted against the clause that the abandonment of the Bill was owing, as that vote was meant to imply no hostility to the measure itself, and was accompanied with a disposition to give effect to what were supposed to be the intentions of Government, which had been frustrated by the course Ministers had thought fit to follow. He must take the liberty of adding that this was not the best mode of carrying on the Government, or of conciliating to the Administration that support which he believed those with whom he acted would willingly have tendered to them on the present measure. He deemed the Bill calculated to be useful, and regretted that tbe noble Lord who moved the Committee should have pursued this course.

The House resumed.

HOUSE OF COMMONS,

Friday, May 26, 1837.

MINUTES.] Bills. Read a second time:—Prisons (Scotland).

Petitions presented. By Mr. MAUNSELL, Sir J. BECKETT, and other hon. MEMBERS, from various places, against the plan for the abolition of Church-rates.—By Mr. G. BERKELEY, Mr. GRATTAN, Mr. WILKS, and other hon. MEMBERS, from various places, for the abolition of Church-rates.—By Alderman THOMPSON, from Sunderland, praying that all letters conveying purely commercial intelligence should pass free of postage; for the repeal of the Window-tax; and in favour of a Bill for the better Observance of the Sabbath.—By Mr. J. YOUNG, from Cavan, Cootehill, and Belturbet, for a general revision of the Education System, with a view to the Establishment of Schools, to be conducted on scriptural principles.—By Mr. HANDLEY, from Bourne, for the abolition of the punishment of death except in the case of murder.—By Captain ALSAGER, Mr. MORRISON, and other hon. MEMBERS, from various places, for the better Observance of the Sabbath.—By Mr. T. DUNCOMBE, from St. George-in-the-East, in favour of the plan for the abolition of Church-rates.—By Sir G. SINCLAIR, from a place in Scotland, that in all Railway Bills relating to that country a clause should be inserted prohibiting travelling on Sunday.

PRIVILEGE.—GLASGOW WRIT.] Sir *James Graham* wished to draw the attention of the House a question inolving the privileges of the House, the freedom of elections, (and as we understood) a violation of the law. In consequence of the abuses which prevailed in the Crown-office in the year 1813, an act was passed, ordering the Clerk of the Crown for the future to issue two writs, one to be sent to the Crown, the other to the Postmaster-General. The Postmaster-General, on receiving the writ, was to send it off at once by the regular post or mail. Now, he had that morning received a letter from Glasgow, from an authority not to be disputed, in which it was said that the writ for a new Member for Glasgow had been sent, not by mail or post, but by express. He wished to know whether that were true? And if true, whether the departure from the regular mode was in conformity with instructions from the noble Lord the Secretary for the Home Department, or with instructions from the Secretary for the Treasury.

Mr. *E. J. Stanley* stated, that when the writ had been forwarded in the usual way, he had written a note, desiring that the writ might be forwarded with as little delay as possible. If there were anything extraordinary in the mode of forwarding it, the Post-office was answerable.

Sir *J. Graham* would then move that the Messenger from the Crown-office, and the officer of the Post-office, who had received the writ and signed the receipt for it, be ordered to attend at the bar on Tuesday next.

Lord *J. Russell* said, that having had no opportunity, from not knowing that the question was to be put, to consult the Act of Parliament, he must suppose that the right hon. Baronet was right. In making no objection, however, to the motion of the right hon. Baronet, he must guard himself against implying anything against his hon. Friend, either that he had acted against an Act of Parliament, or inconsistently with his duty. He himself often received his regular letters by express, the ordinary post being sent occasionally in that way.

Mr. *Hume* said, it was quite right that the rules of the statute should be complied with, as neither party ought to have an advantage. He would submit, however, that in agreeing to the motion, the House would be acting as if a violation of the law had been proved. The right hon. Baronet should first give notice of his motion; he should then state his case and make his motion. The noble Lord in agreeing to the motion, seemed himself to admit that there was something wrong. He (Mr. Hume) thought that it was not right to throw suspicion; and as the authority on which the statement was made was not made known, he hoped the House would not agree to the motion. He suggested to the right hon. Baronet that he had better take the course which he had pointed out.

Mr. *E. J. Stanley* said, that as his conduct was brought into question, he hoped there would be no interposition of hon. Gentlemen, and he requested his hon. Friend (Mr. Hume) to wave his opposition.

Sir *J. Graham* did not give notice because he could hardly believe the statement. He had reason to believe it, and he had in his place asked whether it was founded in fact. The Secretary for the Treasury said, that he did write a note, directing the writ to be forwarded with as little delay as possible. Now, he wanted facts cleared up, and the persons who were able to put the House in possession of those facts were the individuals whose attendance he moved for. He did not give a positive opinion before examining them, and therefore he was not premature.

Mr. *Warburton* thought that the right hon. Baronet was premature and also irregular. He might, perhaps, agree to the motion at another time, but he thought that it was, as brought on then, a departure from the uniform practice of the House. [*Expressions of dissent.*] It certainly was, and he would instance the Carlow Election Committee, at which the challenge was objected to because not noticed. He saw no reason why an exception should be made in this case.

Mr. *Williams Wynn* had been forty years in the House, and till then had never heard it doubted that it was the duty of a Member of Parliament, on receiving information of a breach of privilege, to complain of it immediately to the House. The House was accustomed to proceed to the consideration of it at once, causing it to supersede every other business, even the consideration of the King's speech, as was the case when Mr. Reed's pamphlet was published.

Mr. *Wason* remarked, that if the writ were not properly sent, the election would be void.

Mr. *Williams Wynn* said, that in the case of Poole there had been a delay of three weeks, in the case of Kirkcudbright of four months, and yet there had been no void election. The House of Commons had thought it right that the Executive Government should have nothing to do with the issue of writs. So important did the House think it, that it voted a sum of 520*l.* per annum, as a compensation to the Messenger of the Great Seal.

The *Attorney-General* said, the case appeared to him a fit subject for inquiry, although he did not think the right hon. Baronet had made out a strong case, or indeed any case at all; but after the observations of his hon. Friend the Secretary of the Treasury he should not oppose it. There were portions of the Act of Parliament directory, as was the case with respect to the transmission of the writ; but to suppose that a non-compliance with that directory part would vitiate the election was absurd. If any proof was given of the electors not having had an opportunity of fully and fairly expressing their sentiments, then there would be good grounds for setting the election aside, but nothing of the kind could be proved in the present case.

Mr. *Wakley* begged to know if the right hon. Baronet meant to found his motion on the 53d of Geo. 3rd? The right hon. Baronet nodded assent; and that being the case, he (Mr. Wakley) would deny that the House could exercise any jurisdiction in the matter. If the right hon. Baronet would read the sixth section he would acknowledge such to be the case. The sixth section provided that if any person wilfully neglected or delayed to deliver the writs, they might be proceeded against by indictment in his Majesty's Court of King's Bench. Now, he begged to ask whether the House meant to summon the parties before it, and compel them to confess that they had been guilty of this offence? If so, he for one would most decidedly oppose such an inquisitorial proceeding.

Mr. *Lambton* begged to ask the right hon. Baronet (Sir J. Graham) if he had any objection to furnish the House with the authority upon which he made the statement.

Sir *J. Graham* stated most distinctly that he would not mention the name of the party from whom he had received his information. As it appeared to him to touch the privileges of the House, he thought it to be his duty to have the matter cleared up without delay; and as his Majesty's Ministers had the power to clear it up, he felt himself compelled to ask the noble Lord the Secretary for the Home Deparment whether the writ had been sent by express or post; and if by the former, whether it had been done under his direction. The noble Lord had stated he was not aware of the manner in which the writ had been transmitted, and that if sent by express, it had not been done by his direction. Upon the noble Lord making that statement, he (Sir J. Graham) then asked the hon. Member the Secretary for the Treasury whether the writ had been transmitted in the usual manner? To that question the hon. Gentleman had stated that he had written a note to the Postmaster-General, or his deputy, stating that it was of importance that the writ should be transmitted without delay; but that right hon. Gentleman had not stated whether it had been transmitted by the mail or not. With respect to the observations of the hon. Member for Finsbury, he would only say, if there had been any infraction of the law it was competent for the House to direct his Majesty's Attorney-General to prosecute the party who had infringed it.

Motion agreed to.

PRESENTS FROM THE KING OF OUDE.] Mr. *B. Hoy* rose, pursuant to notice, to move for copies of the papers relating to certain presents sent to this country for their Majesties by the King of Oude. The presents were sent from Calcutta under an escort of British troops, and embarked under the sanction of the Governor-General; and after having arrived in this country, they were so sent back as amounted to treating the Prince who sent them with contempt. The mere sending them back was a great contempt; but the contempt was greater when unaccompanied with any explanation. He had no doubt that the right hon. Gentleman opposite would clear the matter up, and lay before the House those papers which were necessary to give a full explanation of it. He believed that the charge of mis-government had been brought against the King of Oude by discarded servants or otherwise dissatisfied persons. He must say, that having received presents from other princes in India, and refused those in question, we had offered an insult to this unhappy prince, whose ancestors had given up the half of their territories to the Indian government for promised protection. He concluded by moving for copies of the correspondence on the subject of the presents sent by the King of Oude.

Lord *John Russell* requested of his right hon. Friend near him not to address the House on the present occasion. He did so, not that he did not believe but that his right hon. Friend had to give an explanation which would be satisfactory to the House; but he must submit to the House whether, on the Order of the Day, by which it was proposed to proceed with the Committee on a measure with respect to which the House had already proceeded some way—whether, upon the proposal of proceeding with that Committee, it was desirable and convenient to arrest the progress of that Committee, and for the House to stop, and this for the purpose of attending to a discussion upon a question relative to presents made by the King of Oude to his Majesty? If the speech of the hon. Member had demonstrated anything, it was the necessity of having a Committee appointed for the purpose of inquiring whether the business of the House could be thus impeded, and whether it would not be more convenient for the House to go on in a manner which would be more conformable to the ancient practice. If every Monday and Friday were to be taken up by two or three Members on matters which were more interesting to themselves, and if they could thus set aside that business in which the greater part of the House took an interest, then it would be utterly impossible to proceed with the public business. That was the simple question for the House to determine, and not that which had been brought forward by the hon. Member, and which his right hon. Friend was prepared to defend. The simple question before the House was, whether they were prepared to enter upon the discussion of the subject submitted by the hon. Member, or to go on with the Order of the Day. That was the question which he wished to have decided. He hoped that the House would support him in going on with the Order of the Day.

Motion negatived.

DROPPED ORDERS.] Lord John Russell moved that the House go into Committee upon the Poor-law (Ireland) Bill.

Sir *R Peel* observed, that this was the first instance of a dropped notice taking precedence of all other business.

Lord *John Russell* replied, that it had occurred more than once.

Sir *R. Peel* considered that the practice would be inconvenient if generally adopted. He was aware that there was a pretty general feeling in the House of forwarding the Irish Poor-law Bill as much as possible. It was this general feeling that induced, on the present occasion, a general concurrence in the motion of the noble Lord. He should acquiesce in that feeling, and offer no objection. He felt it necessary, however, to protest against the precedent being generally acted on.

POOR-LAW (IRELAND).] House went into Committee,

Upon the 24th Clause, enacting the appointment of *ex officio* guardians, being proposed,

Mr. *Lynch* objected to the clause. He was opposed to magistrates being made *ex officio* guardians. Clergymen were exempted, and he saw no reason why magistrates should be included. He knew that the introduction of such a clause would tend materially to injure the operation of the Bill. He proposed, as we understood, to strike out the clause.

Viscount *Morpeth* considered, that it would be a very ungenerous act to exclude the whole of the magistrates. He did not think that it would tend to harmony or to the efficient working of the Bill to exclude the whole body of the magistrates.

Mr. *O'Connell* thought, that it would be wrong to exclude the magistrates; but it was a different thing to make them members. If they were elected they should not be excluded from acting. The noble Lord seemed to think that the magistrates would only elect the best members of their body to be guardians. What he was afraid of was, that the election would go in the contrary direction. He did not wish to make any accusation against the magistrates. They had been already spoken of by others in that House, and the opinions of Lord Redesdale and Lord Manners were recorded against them. He begged to assure the noble Lord that with such a clause as the present the Bill never would be accepted as a boon in Ireland.

Sir *Robert Peel* said, he had no feeling upon this subject, except that of making it an efficient measure. He thought that it would be very desirable to have the magistrates *ex-officio* guardians.

Lord *John Russell* observed, that it was stated by the hon. and learned Member for Kilkenny that in case magistrates were approved of by the people they would be elected. He did not think that this would follow as a necessary consequence, for there might be prejudices against them as magistrates. The constant meeting of magistrates would, he hoped, do away with all such feelings, if they existed. He could not give up as hopeless the chance of producing a good feeling between those elected by the rate-payers and the magistrates.

The Committee divided on the clause Ayes; 61 Noes: 28—Majority 33.

Mr. *O'Connell* moved that the number of *ex-officio* guardians should be one-sixth instead of one-third of the whole number.

Lord *Morpeth* saw no good reason for the alteration proposed; but he had no objection to make the number one-fourth instead of one-third.

The Committee again divided, on the amendment, Ayes 23, Noes 58 :—Majority 35.

Mr. *Hindley* moved an amendment on the same clause, to the effect that the rate-payers should elect the number of magistrates which by the act, were to be members of the board of guardians.

Lord *J. Russell* was very sorry that he could not agree to the alteration proposed. He thought that the magistracy ought to be allowed to select out of their own body such of themselves as they thought best fitted to perform the duties of Members of the Board of guardians.

Mr. *Hume* submitted to the noble Lord whether he would not reconsider what he had stated. He was sure that the noble Lord must be anxious to make this Bill popular, and he (Mr. Hume) was quite sure that that object would not be answered by the rejection of this amendment.

Viscount *Morpeth* hoped that the Bill would prove popular and work well, but he did not think that popularity should be the only consideration. They had not this consideration only in view when they introduced the English Poor-law Amendment Act. There was in that act a corresponding provision to the present, the only difference being, that whereas in England all justices of the peace might be Members of the board of guardians, they proposed that for Ireland a certain number of the magistrates only should be elected. He thought that the magistrates were themselves the best judges of the persons who were best qualified to represent them, and he must therefore oppose the amendment.

Mr. *Jephson* would oppose the amendment, as he thought that the effect of it would be to do away with *ex officio* guardians altogether.

The Committee divided on the amendment:—Ayes 32; Noes 50; Majority 18.

The clause agreed to.

On clause 26,

Mr. *Sharman Crawford* objected to the arbitrary power proposed to be given to the Commissioners of appointing Guardians under certain circumstances. He moved the omission of this passage from the 12th to the 32d line of the clause.

Sir *R. Ferguson* objected also to the power given in the two previous lines, of removing the guardians if they did not act with due diligence in obedience to the orders of the Commissioners.

Mr. *O'Connell* thought the jealousy of the Commissioners was a very unfounded one. This clause would give the means of correcting many of the evils of the former clause. The question was, whether the Commissioners were to have an efficacious and controlling power over the guardians, if so, the words were essentially necessary.

Lord *Morpeth* said, that unless some power of this kind were given to the Commissioners, they might run the risk of having the whole system stopped for want of efficient means of carrying it on.

The Committee divided on the amendment:—Ayes 23; Noes 68: Majorty 45.

Clause agreed to.

Clauses to the 35th agreed to.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, May 30, 1837.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, the Earl of FALMOUTH, and the Archbishop of CANTERBURY, from various places against the abolition of Church-rates.

POST-OFFICE.] Lord *Ashburton* rose to present a petition signed by the bankers of the metropolis, by several solicitors and attornies, and by many men of science. It was on the subject of the Post-office—one most important, yet one which had been unfortunately neglected. Its object was, to state the inconveniences which arose from the present charges for the conveyance of letters, inconveniences which disturbed social life, and strewed impediments in the way of science. He concurred in the view of the case taken by the petitioners, for he considered a tax on the transmission of letters, when carried to such an extent as in this country, to be one most ill-judged and pernicious. The system required thorough reconsideration and an entire reform. He recommended to their Lordships the perusal of a pamphlet written by a gentleman named Rowland Hill. That pamphlet confirmed the impression which he had, that the grievances complained of by the petitioners might be remedied without a sacrifice of revenue, and with additional simplicity of collecting it. The remedies suggested by that gentleman were—1st, a reduction of the charges; 2d, the payment of the charges in advance; 3d, equalization of the rate of charging. The expense of a Post-office establishment was the same whether the letters were conveyed twenty miles or 200 miles to Barnet or to Edinburg. The only difference effected by distance was the expense of conveyance; and Mr. Hill had shown that the expense of conveying a letter from London to Edinburgh did not amount to more than the 1-36th part of a penny, or the 1-9th part of a farthing. He thought, therefore it was an injustice to persons in distant towns to impose on them the present charge. Mr. Hill proposed that no payment should be made at the post-office, but that covers or stamped envelops should be purchased, which should carry the letter free. Mr. Hill had calculated that 1*d.* for a letter not weighing more than half an ounce would prove sufficient. He requested the noble Lords connected with the Government to give the matter their consideration, if it were only from the fact that the revenue was affected by the system. During the years 1825 and 1830 the Post-office revenue had fallen off 1-10th, and in the year 1835 that revenue was 130,000*l.* less than it had been in 1825; at the same time the increase of wealth and the spread of intelligence had a direct tendency to augment it. It was clear, therefore, that the charge was too heavy, and also that it was fraudulently evaded. It certainly was necessary, as well for the comforts of the people as the sake of the revenue, that the matter should be seriously considered.

Viscount *Duncannon* said, that the pamphlet alluded to had been under the consideration of the Post-office Commissioners for some time. They did not feel themselves justified in recommending that the whole plan should be adopted, but they were willing that to a certain extent it should be tried. The system of stamps could be used for the twopenny-post. He did not think that the entire plan was practicable, and he felt that there would be a difficulty with regard to foreign letters.

The Duke of *Wellington* remarked, that the plan, if adopted, should be adopted uniformly.

The Duke of *Richmond* said, that the gentleman who was the author of the pamphlet considered 1*d.* a sufficient charge. This, however, was because he thought that there would be three, four or even six times as many letters sent as at present. In that case, however, there would be a necessity for more conveyances, and thereby additional expenses would be incurred. He was glad, however, that the plan was about to be tried. Their Lordships would recollect that a great outcry had been raised at the proposal that letters should be paid for when put into the box. Should that system be adopted, the number of officers and of receiving-boxes, or windows, as they were termed, must be increased; for letters were seldom put in till the last moment. He was glad that the Chancellor of the Exchequer had agreed to reduce the rate of postage. With regard to the Post-office, he thought that the management of it had been progressively improving during the last ten (he might say twenty) years.

Lord *Ashburton* observed, that the complaint was of the charges of the Post-office, not of the administration of it.

Petition laid on the table.

MUNICIPAL CORPORATIONS ACT AMENDMENT.] On the motion of the *Lord Chancellor,* the English Municipal Act Amendment Bill was read a third time. The noble and learned Lord then proposed an amendment to Clause 12, which he said was rendered necessary in consequence of the House having adopted the motion of a noble and learned Lord (Wynford) a few nights ago. He therefore proposed, that in boroughs which were divided into wards, such person in each ward who should be rated to the greatest amount should preside at the elections; and in case of two individuals being rated to the highest amount, that then the individual who might be rated next in amount should be selected.

The House divided. Contents 44; Not Contents 49: Majority 5.

List of the CONTENTS.

DUKES.
Richmond
Norfolk
Sutherland

MARQUESSES.
Lansdowne
Clanricarde
Conyngham
Headfort

LORDS.
Cottenham
Melbourne
Minto
Duncannon
Glenelg
Albemarle
Leitrim
Camperdown
Strafford
Fitzwilliam
Radnor
Cork
Brougham
Denman
Scarborough
Templemore
Fingall
Bateman
Langdale
Burlington
Godolphin
Dacre
Kinnaird
Torrington
Foley
Falkland
Suffield
Teynham
Lilford
Lichfield
Gardner

BISHOPS.
Hereford
Durham
Chichester
Ely
Ripon
Norwich

The Bill was passed.

HOUSE OF COMMONS,

Tuesday, May 30, 1837.

MINUTES.] Petitions presented. By Mr. POULTER, from Dorsetshire, against Coroners Expenses Bill.—By Sir J. TYRRELL and other hon. MEMBERS, from Saffron Walden and other places, against parts of New Poor-law Bill. By Lord SANDON, from Liverpool, and Mr. PLUMPTREE, from Sheerness, for the better Observance of the Sabbath. —By Mr. VESEY, from various places, against the Irish National System of Education; and against any further grants to Maynooth College.—By several hon. MEMBERS, from various places, expressive of confidence in his Majesty's Ministers.—By Sir GEORGE CLERK, from the general Assembly of the Church of Scotland, against registration of Births and Marriages (Scotland) Bill; and against Clandestine Marriages (Scotland) Bill.—By Sir A. L. HAY, from Portsay, for Burghs of Barony Bill.—By Lord ASHLEY, from various places, against the Ministerial plan for the abolition of Church-rates.

BRIGHTON RAILWAYS.] Captain *Alsager* said, that the Committee to whom the several Railway Bills between London and Brighton had been referred, had, in obedience to the orders of the House, made a special Report upon the engineering merits of those lines, in favour of the direct line (Sir J. Rennie's). He moved, that the Report be adopted; that this Bill be sent back to the Committee; that the Committee be directed to have the landholders heard, and the clauses settled; and that the Committee do meet on Thursday next.

Lord *George Lennox* observed, that on the 9th of this month, an instruction was given by the House to the London and Brighton Railway Committee to this effect:—that the Committee was to examine the engineering merits of the competing lines, to enable the House to determine which to send back to the Committee. Now, he maintained that the Committee had not sent to the House the information which was required by the instruction. He objected to the constitution of the Committee which had decided in favour of Sir John Rennie's line. The investigation had lasted twenty-seven days, and the average attendance of Members each day was twenty, but on the twenty-eighth day they were honoured with the attendance of forty-five Members, six of whom voted for Sir John Rennie's line, having been there only one day, and without having heard one word of the engineering evidence. He should move, as an amendment upon the motion of the hon. Member for East Surrey, that an humble address be presented to his Majesty, praying that he would be graciously pleased to furnish some military engineer to survey the several lines of Brighton Railway now under the consideration of the House, together with the several plans and sections thereof, and to report thereon.

Mr. *Warburton* wished to direct the attention of the House to some facts which had come out in evidence relative to the subscription-list for Rennie's line. It certainly appeared, that the framing of the subscription-list of last Session was conducted in the most unexceptionable manner; but that line having been rejected, the persons into whose hands the shares had come by sale and purchase, were the persons whose names appeared on the list for the present Bill.

Mr. *Curteis* considered, that the proposition of the noble Lord would be most unfair to the majority of the Committee, and it would be setting a monstrous and most unjust precedent.

Mr. *W. Crawford* asserted, that the feeling against Rennie's line was all but universal, from Wandsworth-common to Horsham, and that the consent of every individual land-owner on the line who was in favour of it, had been purchased at a most enormous cost.

Mr. *P. Thomson* expressed his intention of supporting, after a little amendment which he would suggest, the proposition of the noble Lord. He thought, that the amendment should be altered so as to direct the Committee to apply for a military engineer, who should give in a report on the three different lines; and that then the Committee should be ordered to report on the engineering evidence altogether.

Mr. *Hume* complained of the conduct of Government in throwing its weight into the scale of one of these parties. The Government had formerly refused to interfere between the parties, and he did not know what influence had been used to cause the right hon. Gentleman to interfere now.

Mr. *P. Thomson* said, that it was in consequence of his having read the evidence taken by the Committee—evidence which he suspected that the hon. Member for Middlesex had not yet read—that he had ventured to offer his opinion to the House and to make the suggestion which he had submitted to its consideration.

Mr. *Wakley* agreed with his hon. Friend the Member for Middlesex, that the Government ought not to interfere in private contests of this kind. On other private Bills, the Members of Government trotted off to the library, when a division was expected, as fast as their legs could carry them; on the present occasion, for reasons best known to themselves, they were stationary in their places, and their recommendation was to supersede every thing else.

The House divided on the original motion:—Ayes 157; Noes 164: Majority 7.

PRIVILEGE.—THE GLASGOW WRIT.] Sir J. Graham moved the Order of the Day for the attendance at the Bar of the Messenger from the Crown-office, and the Deputy Postmaster-General. The first of the witnesses was called in. His name was William Sparrow. He was deputy-messenger to the Great Seal, and went with a writ from the Crown-office on Wednesday to the Lord Chancellor's house. He afterwards took it to the Post-office as soon as it was sealed. He arrived at the Post-office about twenty minutes past eight o'clock. The mails were gone. He gave the writ to the clerk in waiting.

John Good received a writ on the 17th of May. He also received a note from Mr. Stanley addressed to Colonel Maberly. It said that a writ would be sent, and that if sealed in time before the departure of the Glasgow mail, it should be sent by that conveyance; but that if the mail should be gone before the writ arrived, it should be forwarded by express, if practicable. The Glasgow mail was gone, and he made it up in a parcel. It was eventually directed to the sheriff of Lanarkshire. It was forwarded by a horse express. This was the first time that such an occurrence came within his knowledge. The witness withdrew.

Lord *J. Russell:* The right hon. Gentleman (Sir James Graham) will have the opportunity of making any comparison which he may desire to institute when the letter is produced. He seems now, however, to be insinuating. From the manner in which the right hon. Gentleman has expressed himself, I make no doubt, that after the charge which he has already brought against my hon. Friend of violating the Act of Parliament in forwarding the writ, he will now bring against him another and a felonious charge—the charge of having forged this letter; although, when the first mention was made of it, he avowed himself the writer of it, and declared his intention of producing it.

Sir *J. Graham:* I know not, Sir, that there has been anything in my demeanour that justifies the insinuation which the noble Lord thinks proper to make; or anything in the mode in which I have brought forward and sustained this charge which justifies the peculiar temper which hon. Gentlemen had thought proper to exhibit at the opposite side. But, Sir, neither by that tone, nor by that temper, nor by the manner which the noble Lord has thought fit to assume, shall I be deterred from the exercise of what I conceive to be a public duty. I certainly, Sir, mean nothing disrespectful towards the hon. Gentleman opposite, the Secretary to the Treasury; but it must be remembered, that we are here proceeding judicially. The witness, who told you that he was aware that an Act of Parliament was about to be violated, told you that he performed that act under the direction, as he conceived, of a Member of his Majesty's Government, holding the responsible official situation of Secretary to the Treasury; that he received a letter, which was conveyed to him by an unknown hand, by a person who was, in fact, an utter stranger to him. He was told, he was at liberty to open the letter; he opened it, and it conveyed to him the direction that a particular letter should be forwarded by express. The first impression of the witness, as recorded by him in his evidence before the House, was, that this was a violation of the law; and he informed the person who delivered the letter, that such was his impression. He, nevertheless, acted upon the direction which that letter contained. It appears, that he kept the letter until the subsequent morning; and to whom did he then deliver it? If he said that he had given it to the hon. Gentleman opposite, I would not seek to trace this transaction further. But he has said distinctly, that he gave the letter, not to the hon. Secretary to the Treasury, but to Colonel Maberly. Surely, there can be no offence legitimately taken, and most assuredly I mean none, because I express a desire to have the investigation carried to this point. If the hon. Gentleman, the Secretary to the Treasury, produces a letter which he says he wrote, it is clearly important to ascertain whether the letter which has been given to this person by a total stranger, is or is not the same document.

The *Chancellor of the Exchequer* observed, that if the letter in question had not been alluded to and tendered for inspection by his hon. Friend, the Secretary to the Treasury, if it were a letter which had been referred to by one of the witnesses, as throwing light upon the subject as to which he was examined, there might have been some colour or pretext for recommending the course which the right hon. Gentleman opposite had suggested. But the House would bear in mind, that in reference to this letter, his hon. Friend himself had announced his intention of producing it, in order to prevent any inconvenience which might possibly arise from the adoption of a course which would involve a most singular departure from those principles of ordinary common sense which every hon. Member, however unprovided with legal knowledge, was prepared to acknowledge. The right hon. Gentleman had proposed to examine one of the witnesses who had been summoned to the House, as to the import of a document which the hon. Secretary to the Treasury, the writer of the letter, could himself much better explain. When the right hon. Gentleman alluded to that document, his hon. Friend, the Secretary to the Treasury, had at once got up and declared his readiness to produce it. The right hon. Baronet was undoubtedly skilled in making fine distinctions. But surely, there was no hon. Gentleman present to whose mind it was not obvious that the intention of his hon. Friend was to authenticate the letter so produced by his own declaration. In accordance with the rules of Parliament, he believed that no stronger evidence could be given at the bar of that House—no evidence possessing greater force or validity in their deliberations, than a statement made by a Member of Parliament in his place in that House, and the production of a document which he declared, upon his honour as a Member of Parliament, to be genuine. The right hon. Gentleman, upon the one hand, expressed himself desirous not to depart from the ordinary courtesy of Parliament; and, upon the other, he suggested a possibility that a false messenger might have delivered a false letter; and he said, that he was desirous to know that it was the real *bonâ fide* letter upon which the officers at the Post-office acted. Did the right hon. Gentleman doubt that it was the real letter? Would he get up in his place and avow that belief?—getting rid at once of these wiredrawn distinctions? If he entertained such a doubt, let him state it; if not, and such was his belief, let him not press a suggestion which was liable to lead to an inference that was derogatory to the privileges of Parliament, and involve, in no small degree of doubt and suspicion, the course which they were to pursue.

Mr. *Roebuck* said, that the right hon. Baronet had exhibited no small degree of inconsistency in this matter. On a former night he had commenced his accusation by stating that he had received a letter, upon which he thought it necessary to found a charge, in which one of his Majesty's Ministers would be involved. Upon its having been pointed out to him that this, as being an anonymous letter, was objectionable evidence on which to found such a charge, what was his answer? Why, that as a Member of Parliament, he had a right to state that he had received such information. The Secretary to the Treasury had subsequently got up, and stated his intention of producing the letter in question, upon which the right hon. Gentleman threw a doubt upon the very class of testimony to which he himself had appealed the night before as irrefragable. And the right hon. Gentleman had, in his own case, attached to the declaration of a Member of Parliament the value of testimony, while he refused to make any such acknowledgment in the case of the hon. Secretary to the Treasury; thus claiming to himself a privilege which he denied to another hon. Member.

Sir *J. Graham* hoped he might be excused for briefly asking the hon. Gentleman who had just sat down whether he was to understand that, because he had accused his Majesty's Government of violating the Act of Parliament, the issue was now to be changed, and he himself was to be put upon his trial? It was impossible that the hon. Member for Bath should not be aware of the complete distinction which existed between the two cases. The assertion of a Member in his place in Parliament, however vague and uncertain it might be, touching any question affecting the freedom of election or the conduct of Government, afforded ample ground to justify the House in instituting inquiry. But when the inquiry was in the act of being proceeded with when its subject-matter was under consideration by whose direction was a certain illegal act performed? and when the reply of the witness was, that he did it under a written authority from the Secretary of the Treasury, it was the undoubted duty of that House to trace clearly and distinctly the identity of that letter. If it was the opinion of the noble Lord and of the hon. Gentleman opposite that this inquiry could proceed satisfactorily without this subject forming a part of it, let them say so: but until the House should pronounce this identification unnecessary, he would certainly contend for what he judged to be requisite to the perfection of the inquiry. Had the letter been produced, and had the Secretary to the Treasury said that there could be no mistake as to its identity, his assertion would have been quite satisfactory; but, so far was this from having been the case, that the witness had admitted that he had received the letter from a person who was totally unknown to him before; that he had given it, not to the hon. Gentleman opposite, but to Colonel Maberly; and from that period to the present all trace of its identity was lost.

Mr. *E. J. Stanley* expressed his surprise that, having stated his willingness to produce a copy of the letter which he had sent to Colonel Maberly, an identification of that copy with the original letter, through the means of witnesses at the bar, should have been insisted on, and thought it unparalleled in that House, when an hon. Member stated his intention to produce a copy of a document to institute any inquiry as to its authenticity. He was in the recollection of the House whether, upon the former, as well as on the present night, he had not manifested an eager desire to meet the right hon. Gentleman fully and fairly. If, upon the former occasion, he did not enter fully upon the subject, the House would agree with him that this was not surprising—taken as he was by surprise, without time for communication with a single person, without time for consideration himself, as to the answer which he should give, and without knowing how other parties might possibly be affected by the inquiry. He asked the House whether he had not a right to complain of the right hon. Baronet's conduct towards him. Immediately before a question was put upon a former evening with reference to this matter, the right hon. Gentleman had come behind him (Mr. Stanley) and said, "I wish you would remain in your place, for I want to put a question to you." "Will you state what the question is," was his (Mr. Stanley's) reply. "No, I will not," was the right hon. Gentleman's rejoinder; "will you hear it when I rise." He would ask every hon. Member present whether it was not the common practice, even in ordinary matters, for hon. Members opposite to tell the Gentleman of whom they were about to ask a question, what was its subject, in order that he might be prepared to give an answer. He believed that it was indeed unparalleled, that when a question was to be asked upon a subject affecting the personal character and conduct of a Member of that House, particularly to the extent of a violation of an Act of Parliament, a breach of the privileges of the House, and an unjust interference with the freedom of election, the courtesy should not be extended to the Member thus assailed, of making him acquainted beforehand with the nature of the threatened attack. When charges so grave were about to be preferred, he asked whether there was another hon. Member in that House who would have declined to make this communication? "I would not credit it that any other hon. Member would have been capable of doing so; and I do believe that there is no other hon. Member in this House who would not have been ready to give that information." The right hon. Gentleman had excused himself on a former occasion for declining to give a similar notice beforehand, on the ground that the fact which was stated was so incredible that he could not believe it; but in the present instance, according to his own admission, he could plead no such excuse; for the evidence here, he had contended, was quite convincing. He would leave it to the House to decide as to what was the motive, and what the object, which had stimulated the right hon. Baronet here to adopt the unprecedented course of taking an hon. Member thus by surprise. This was an altogether novel species of courtesy. This was the courtesy which might be expected at the hands of him who now bid high to lead that party which was so vehemently opposed in principle as well as conduct to the party with which the right hon. Baronet had for twenty years acted. This was, in fine, the courtesy which might naturally be expected from him who had ever shown himself ready to lead the forlorn hope against every one of his former hon. and noble Colleagues, as well as against every one of his quondam associates, even against their humblest supporters. With regard to the question before the House, he would lay before them a simple statement of what had occurred. The writ had been moved for at the sitting of the House at 4 o'clock, on Wednesday the 17th of May. Under ordinary circumstances, there would have been no difficulty in transmitting the writ, which should have gone by the same night's post. He had communicated to the Crown-office the fact, that the writ would be that night moved for, desiring the proper officer to be in attendance. One of the clerks of the House of Commons was despatched with the writ to the Crown-office; from whence it was brought to the Lord Chancellor's house at Bruton-street; and, upon its being ascertained that the Lord Chancellor was at Wimbledon, a messenger was despatched to the latter place, for the purpose of getting the seal affixed there to the writ. Apprehending that the writ would arrive too late to be transmitted by post, he made a remark upon the subject to a clerk in the Treasury-office, who said that he recollected writs having been sent by express repeatedly, and instanced a case which had occurred in 1829, under a Tory Government, in which the Post-office authorities were directed to forward an election writ by express that night. Believing therefore, that the proceeding was quite correct, and had been done before, he wrote the following letter to Colonel Maberly.

> "May 17.
>
> "Dear Maberly,—It is of the greatest consequence that the writ for Glasgow should go by to-night's post, so that if it should not arrive in time for the Glasgow mail, I should wish it, if possible, to be forwarded by express to-night, and directed to the Sheriff of Lanarkshire, at Glasgow.
>
> "The delay has been occasioned by the Chancellor being at Wimbledon; but I believe that the writ will be back in time, or soon after.
>
> "Your's ever, E. J. Stanley.
>
> "Lieutenant Colonel Maberly &c."

He could produce witnesses (if desired) in corroboration of his statement; and that, at the period of his writing this letter, he had made no secret whatever of the course he was pursuing. Shortly afterwards he had heard some doubts expressed as to its conformity with the Act of Parliament, and he would now confess that, after perusing the Act of Parliament, he thought it possible that the wording of the Act might be opposed to the course which he had taken. But he would ask, what wa the intention of the Act? He would ask whether it was not to remove delay in the transmission of writs of election? Had the Lord Chancellor been in town, the writ should have gone by that night's post. As it was, the writ returned from Wimbledon, and was despatched half an hour after the departure of the mail, and did not reach Glasgow until four hours after the mail had arrived. As the express did not arrive until evening, the sheriff had left town, and his return to Glasgow, where he could officially avail himself of the document, did not take place until very near the period of arrival of the following day's mail. The interests, therefore, of no party had been injured. If he (Mr. Stanley) had erred, he had erred through ignorance, and through the information of those whom he had naturally imagined to be peculiarly cognizant of matters of this description. For his own part, he thought the words of the Act were of very dubious construction. They directed the writ to be forwarded by the "next mail or post." Now, he believed that any express forwarded from the Post-office was in reality "a post," and that a person stopping the horses would render himself subject to all the penalties of felony. He therefore looked upon this as being one of the modes of conveyance contemplated by the Act. The writ passed through the hands of the proper officers, and was intrusted by persons deputed by the Postmaster-General to the postmaster of Glasgow, to be by him delivered to the sheriff of Lanark. Under these circumstances, he trusted the House would believe that, although he might have exceeded the strict line of duty, he possessed no knowledge at the time that he was doing anything which was unusual in practice; that, on the other hand, no injury had been the consequence of the writ being forwarded by express instead of mail; and that, finally, he (Mr. Stanley) had been actuated in this matter by no intention of violating the spirit of the statute. He believed that he had stated fairly the motives by which he had been guided; and, as he certainly had not been the means of giving an unfair advantage to any party, nor had entertained any such intention, he trusted the House would not consider him in this matter in the light of a transgressor. In conclusion, he would observe that he had made some inquiries at the Post-office, which were directed to ascertain whether any election writs had been forwarded by express upon former occasions, and the result of his inquiries was as follows:—

"Extract from Express-book,
March 23, 1829.
"On His Majesty's service.
"To Sandwich.
"A packet for the Mayor at 25 minutes to 1 p.m. "(Signed) G. Welch."

This packet he found to contain an election writ, and though it was despatched before post hour, it at all events clearly proved the desire which had been entertained by the Government of that day to expedite writs of this description.

Sir *R. Inglis* observed that the natural sympathy which had been excited in behalf of the hon. Gentleman who had just sat down by his hon. Friends around him, had induced him to draw the attention of the House from the real point at issue, which was the authenticity of the letter in question, upon which it was the business of the House judicially to decide.

The *Attorney-General* said that the question was, whether the declaration of an hon. Gentleman in his place in that House should not be received as affording in itself a satisfactory evidence?

Sir *J. Graham* wished to be informed by the hon. Gentleman opposite, whether it was his intention to put in as evidence a copy of the letter which he had read?

Mr. *Stanley*: Yes.

Sir *J. Graham* said, that he did not mean to enter into any vindication either of his political or of his personal character; and that he was by no means disposed to be drawn into any such discussion by the taunts of hon. Gentlemen at the opposite side. That conduct was before the public; and between him and the hon. Secretary to the Treasury the public must adjudicate. It was for the public to decide whether in the principles which had guided, or the incidents which had characterized his public life, he had been influenced by private considerations of a low, mean, and despicable character; or whether the motives by hich he had been actuated were as pure and as fitted to win the public approval as they had already entirely secured the approbation of his own heart and conscience. With regard to the particular matter which was now under consideration, he had disclaimed, repeatedly disclaimed, and he again disclaimed, the imputation of having entertained any unwillingness to impute to the declaration of the hon. Gentleman in his place in Parliament its full value. Had the hon. Member made upon the former occasion the statement he had just now made to the House, he should not have been disposed to carry the matter further. He contended, however, that the conduct of the hon. Gentleman in this instance was a clear violation of the Act of Parliament. The case which the hon. Gentleman had referred to was not altogether a parallel one. The duty of the Executive Government should be to take care that the writ should not be arrested; at the same time to recollect, that as much injustice might be done by too much expedition as too much delay. The object of the Legislature had been, that the writ should be taken out of the hands of parties altogether, and intrusted to the executive, whose discretion was confined within the narrowest limits. The Postmaster-general, or his deputy, were alone the persons who were to be intrusted with the despatching of the writ to be forwarded by the first mail or post, which plainly signified that if the writ arrived after the mail had set out it should be kept until the following day, and instead of being intrusted to the hands of private individuals—to perhaps twenty or thirty post-boys, as should be the case between this and Glasgow—that it should be detained for the mail-bag, so that its safe custody might be ensured, and all chance of surprise avoided. Supposing a writ to have been obtained a moment before the rising of the House—all necessary regulations to have been made at the Home-office—the great seal to have been procured, and the express started at midnight, he could readily conceive that in such a case a surprise might be so complete as to prevent any contest whatever. In bringing this case before the House, he felt that he was discharging his duty; but after the explanation given by the hon. Gentleman opposite, he would not pursue it further. With regard to the taunts which had been thrown out against his public and private character, he should only say that they would not deter him from following that course which his own sense of honour, justice, and propriety suggested.

The order for the appearance of the

witnesses was, on the motion of Sir James Graham, discharged, and the subject was dropped.

Publication of privileged Papers.] Viscount *Howick* rose to propose that the motion of which he had given notice should stand next on the orders, as it related to a question of privilege, and he thought he would be justified in proceeding with it.

Sir *W. Molesworth* said, he did not consider the question to be one of privilege, and refused to give way to the noble Lord.

Lord *John Russell* observed, that as persons were every moment liable to be proceeded against by action founded on the publication of the papers of that House, he thought it necessary that they should not lose any time in coming to some definitive resolution on the subject.

The *Speaker* said, that this was a case which affected one of the most important privileges of that House. If the question were simply one for discussion, and not coming before them in the shape it did, it might be difficult to say that it was entitled to the precedence of the other motions; but the circumstance stated by the noble Lord altered its position, and showed that it was expected that the question would be raised again, which rendered it most important that the House should come to an immediate decision upon it, in order that parties who might have an action brought against them should know, according to the opinion of the House, what course they ought to pursue.

Viscount *Howick* proceeded: His object was, to move certain resolutions founded on the Report of the Committee on the publication of printed papers, of which Committee he had had the honour to be chairman. To that Committee had been referred the consideration of the proceedings at Nisi Prius in the case of Stockdale *v.* Hansard and others. Since the presentation of the Report of that Committee a second action had been brought by the same parties in the Court of King's Bench; and it became expedient, therefore, on the part of the House, to take some step preliminary to that proceeding, in order that all doubt on the subject might be set at rest. The Committee to which he had alluded reported it as their opinion,

"That the power of publishing such of its reports, votes, and proceedings as it shall be necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially of this House, as the representative portion of it.

"That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon.

"That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament."

These Resolutions he meant to propose the House should affirm. The printing and publishing of their proceedings had continued uninterruptedly from the year 1641, with one single exception, up to the period of the late trial. The publication of their papers had therefore tacitly received the protection of law, and he conceived that no privilege could rest upon a clearer proof or stronger foundation. The exception to which he alluded was in the case of Sir William Williams, Speaker of the House of Commons, who had been fined, and he believed actually obliged to pay, 8,000*l.* Since the Revolution, however, to the present time, they had enjoyed the privilege interruptedly of publishing their proceedings. He contended, therefore, that the House had a right to determine finally, and without appeal, what its privileges were. One of the resolutions he had to propose asserted, that the Parliament was the sole judge, and had the sole right of judging, what their privileges were, and that the House of Commons was competent to exercise that right as regarded its own privileges. When, therefore, that House declared what its privileges were, they should not be liable to be set aside or reversed by any other authority or tribunal. It had been stated, that conferring so much power as was proposed by the resolutions adopted by the Committee might lead to serious abuse and inconvenience. He was far from saying that any human institution could be free from abuse—it was clearly impossible to find any authority of which there could be a certainty that in no possible instance it could be abused; but, at the same time, he thought that those who entertained those fears ought to remember, that if they refused to the House of Commons the power of determining what were its own privileges, they would not even then escape from the difficulty, because other authorities to which they would give the control would be equally open to usurpation and abuse as the House of Commons itself. If it was held that the courts of law should review, and be competent to reverse the decisions of this House, what security was there that the courts of law might not be equally guilty of error as the House itself? If regard was had to the past history—to the times when the princes of the house of Stuart made a systematic attack upon the institutions of the country, and when the courts of law assumed the power of deciding what was and what was not the power of Parliament, it would be seen that if that power was once established, the most essential of the Privileges of Parliament—privileges necessary for the protection of the House—would speedily have been lost, and with them all security for the liberties of the country. He trusted the House would, by adopting the resolutions he had read, solemnly enforce the principle the Committee had adopted. When persons in or out of the House urged that, by claiming so great a power as might give rise to great abuse and to tyrannical usurpation on the part of the House, his answer was, that every form of Government must have some authority to be trusted in the last resource, and he could not conceive why that authority should not be placed in the supreme Legislature of the country; and he would contend, that by claiming that authority for Parliament, a real protection against its abuse was afforded to the people, not by a formal appeal to a legal tribunal, but by an appeal to public opinion and the general sense of the country. In former times that appeal had succeeded, and had compelled this House to reverse its own decisions. He would only mention one famous case out of many—the case of the dispute which lasted so long between this House and Mr. Wilkes. The House having declared that Mr. Wilkes, though returned by a large majority of the electors of Middlesex, should not sit, and thereby deprived, as it were, the electors of the right to return him, public opinion was so strongly pronounced against that decision, that in a very few years afterwards the House was compelled to retrace its steps, and to expunge from its journals its former resolution. In the same manner he believed that if the House should decide contrary to the exercise of just authority, public opinion would not be slow to force it to retrace its steps. He was convinced that the more the subject was discussed and considered, the stronger would be the conviction both of the House and the country that these privileges ought to be secured in the manner he proposed, as being absolutely necessary to the House for the true discharge of its functions as a separate branch of the Legislature. The present question was not whether Parliamentary papers should be sold by Mr. Hansard, or not, neither was it now to be determined what should be the proper mode of their distribution, but the question was, whether the House should be altogether excluded from the power of communicating, through the means of the press, with those whom it represented. If the House was so excluded, it would be impossible for it to exercise its functions with advantage, and therefore, on the ground of public necessity, he thought it was the duty of the House to claim and maintain all those privileges which it had hitherto enjoyed. He trusted such an expressed and solemn declaration as the resolutions conveyed would be sufficient to prevent any further interference with those privileges; but if those expectations should be disappointed, he thought it would be the duty of the House to take such measures as would be necessary to assert its rights, and repel any attempted invasion or infringement of its privileges. Until the necessity occurred, it was superfluous to advert to what those measures ought to be; he did not doubt but that the House would be able to maintain its authority, and he should now content himself with simply moving the adoption of the resolutions which he had already read as drawn up by the Committee.

Sir *R. Inglis* said, that having unfortunately been in a minority in the Select Committee, to whose Report the noble Lord had referred, he owed it to his own consistency to state publicly to the House what he had already said privately in Committee on this subject. In the first place, however, he could not but think that the noble Lord would have consulted the convenience of the House much more if he had postponed the discussion on this subject till another day. The state of the House at present, a House of about fifty-six Members, showed either the very little interest which was entertained upon the subject; or the thinness of the attendance was a proof that the noble Lord had taken the House by surprise. He regretted to see a much thinner House during the discussion of so important a question than assembles, ordinarily, to decide upon a Railway Bill, or than assembled in the earlier part of this evening to decide whether Stephenson's or Rennie's was the best line to Brighton. In fact, five-sixths of those then present had since left the House. For himself, he was one of those who had been taken by surprise on this occasion; not holding the motion to be entitled to precedence as a question of Privilege, and having expected a very different subject to be brought on, in its turn as it stood first. Under no circumstances, however, could he refrain from stating to the House his objections to the resolutions in question. Without further urging the opinion that the adoption of the resolutions moved by the noble Lord by so thin a House could have but little moral weight with the country. He would ask, what would be, under any circumstances, the value of those resolutions, even if adopted by the other House? What was the value of a resolution of this House, or of both Houses, upon a question connected with the law of the country? He apprehended that nothing but an Act of Parliament could require or justify any of those learned persons who administer the law to regard a communication of those resolutions as part of the law which they had sworn to administer. The judges were not sworn, nor could they be required, to administer the communicated resolutions of the House. He entreated the attention of the House and of the learned Attorney-General to the two points which he (Sir R. Inglis) raised. First, was there any mode of communicating the resolutions of the House to the judges in their several courts; and, secondly, if there existed any such mode, whether the judges would be called on to take notice of them? Was the House prepared to make the paper placed by the noble Lord opposite in the hand of the Chair nothing more than a mere *brutum fulmen*? The House was bound to consider the alternative: they had no right to suppose that the judges would at once obey their resolutions; and it was the duty, therefore, of the House to consider whether it were prepared to carry those resolutions into effect, and to cite, to summon, and to punish, the judges of the land, in case of their refusal to act upon the resolutions as upon law. Was the House prepared in case of such refusal, to send its messengers to seize any of the judges on the bench and to convey them to Newgate? The House must anticipate some crisis of this kind, or they were not fit to be legislators. In the particular instance the noble and learned judge, whose charge had led to the present proceeding, was a peer of the realm, and would not therefore be subject to such a summary jurisdiction exercised by that House; but there were other judges, not less firm, and whose opinions on this question could not be assumed to differ from the noble and learned Lord, who, under these resolutions, would not be protected by the privilege of the peerage, in holding the same doctrines as the noble and learned individual to whom he referred. Was the noble Lord opposite prepared to send them to Newgate, and if so, was the House prepared—was the country prepared—to support the noble Lord in such a proceeding? He (Sir R. Inglis) believed that such an attempt on the part of the House to interfere with the judicial administration of justice, would be met by a feeling which he could not trust himself to describe, but which he was certain would be the reverse of respect, of confidence, and of acquiescence. Looking at the empty benches on both sides, when the noble Lord rose, he could not help repeating, that the noble Lord gained little support of opinion by passing his resolutions in so thin a House, and in the absence of so many hon. and learned Members whose sentiments on a question of this kind the House would have been most anxious to hear. He would now proceed to state his own general view of the question. In the Committee, he (Sir R. Inglis) had made a broad distinction between the publications which the House printed for its own use and those printed for the use and information of the public. The House had a perfect right to print evidence and reports which might or might not affect the characters of individuals: but the distinction which he had drawn in Committee, and which he now repeated, was, that the House was not at liberty to print such things as reflected in any way upon character except for the use of its own Members only. Was it necessary, or could it conduce to public benefit and advantage, that the House should print libels and circulate them throughout the country? Was it not an aggravation of the wrong done to an individual that a libel, needful only to those who were to be the judges upon the case, should be printed and circulated at the public expense to all the fellow subjects of the party injured throughout the land? He (Sir R. Inglis) had raised the same objections last year, when the hon. Member for Middlesex proposed that the publications of the House should be sold under its authority. He had then told the hon. Member that by his arrangement the House would publish more books than any firm in London, and would, in fact, become a great bookselling establishment. And so it was, but it ought not to be enabled to publish libels with impunity. The series of precedents which had been collected with great research and ability by the hon. and learned Member for Newark, had all, with the exception of that of Sir W. Williams, been cases in which parties had libelled the House, and were not cases where, as in the present instance, the House had libelled others, and therefore no analogy could be said to exist. Whatever might have been held, before the case of Burdett *v.* Abbot, in the Court of King's Bench, nobody could now deny that the House had full power to punish libels against itself. But was it to be permitted to publish libels against others with impunity? The privilege now claimed went, indeed, still further, because it rested on the ground that, whatever the House of Commons might do, no court of law had a right to question it, and none of the fellow subjects of this House could claim protection or compensation against it. To take an obvious instance: was it to be said, that if the House published in one of its Reports a book, the copyright of which was private property, the owner was to go without redress? It had been said, that by continuing the power no excess in its exercise need be feared. He would refer to the treatment of the House towards an individual in the year 1621; he alluded to Floyd's case. It was in substance this; that for words alleged to be spoken in disparagement of the daughter and son-in-law of King James 1st, calling them the good man Palsgrave, and the good wife Palsgrave, and expressing joy at their defeat, this unhappy person was sentenced to be fined 1,000*l.*, to ride with his face to the horse's tail from Westminster to Newgate, to be whipped there, and to be imprisoned, he believed, for life. Had the House of Commons a right to exercise this power, then, for that alleged offence, or for any offence at all? If so, it has the same right now. Is that claimed? If not, then another century may regard the present claim of the present House to publish libels with impunity, as unfavourably as the whole country now regards the conduct of the House of Commons in the case of Floyd. The House must not forget that privilege is one: if the House have a right, constitutionally, to any particular privilege to-day, it has a right to it to-morrow; and again, it has the same right now which it had two centuries ago. He contended, on the contrary, that they had no such right then, and have no such right now. As for the resolutions proposed, he felt convinced that even if adopted they would be impracticable, and with that view he thought the wiser course for the noble Lord opposite would be to proceed to the other orders of the day. If that suggestion were not followed, he should feel it his duty (very reluctantly, for he was anxious not to record any definitions of privilege, or any abstract principle) to move an amendment upon the resolutions proposed. Before he did so, he must say that the country was deeply indebted to the noble and learned Lord, whose charge had brought this question under consideration. He (Sir R. Inglis) had always held that if it were compulsory to live under tyranny, it was better to live under the tyranny of one man than under that of a majority of 658 men. He feared that in an assembly where party feeling, even on private Bills, dictated certain courses, that under these resolutions the "tyrant majority" of the House, as his right hon. Friend (Sir Robert Peel) had on a former occasion termed it, would be fatal to the liberties and best interests of many of their fellow-subjects. Let the House continue to print reports, evidence, and information as it thought fit for the use of its own Members, but not for the whole world; but let it not, under pretence of protecting its own liberties, infringe upon the rights of individuals; and let it not, when it took the law into its own hands, and claimed the right of punishing libels upon itself, claim, also, the irresponsible power of libelling, to any extent that caprice might suggest its own fellow-subjects. The hon. Baronet in conclusion moved as an amendment the following resolutions:—

"That the privileges claimed by this House from the King at the opening of each Parliament, and granted by the King, and also the other privileges pertaining to this House, which have been recognised by the courts of law within the realm (the same being privileges for maintaining the freedom of debate within the House and the security of the persons of Members thereof from arbitrary violence, and from all arrest, except by courts of law for contempt, or in execution of criminal process), are essentially necessary to the existence and integrity of this House as a body summoned to counsel the King touching the arduous affairs of Church and State; and that any person offending against such privileges is guilty of a violation of the law of Parliament.

"That the right to punish persons guilty of such offences, whether such offences were by interrupting the freedom of debate within the House, either by direct violence, by threat to any Member thereof, by publishing any libel against the proceedings of the House, or were by contempt of the House before it, or were by arrest of any Members thereof other than in execution of lawful process, as aforesaid, hath been repeatedly claimed and enforced by the authority of the House, and that no other authority hath or ought to have any jurisdiction whatever in limiting the exercise of the powers of the House in punishing all persons so offending.

"That although the House hath occasionally addressed the King to direct his Majesty's Attorney-General to prosecute offenders for publishing libels against the proceedings of this House, yet that this House hath likewise an undoubted right to inquire into all libels against its authority or proceedings, and to punish the same accordingly, as breaches of its privileges.

"That no Member of this House hath any claim of privilege in respect to the publication of any matter or thing purporting to be his speech, which by due course of law may be found to be a libel, and that this House hath never interfered, and ought not to interfere, in any legal proceedings instituted thereon.

"That this House doth not claim any right, and that no other body of his Majesty's subjects hath any right, to publish any matter or thing which by law would be adjudged to be a libel if contained in an unauthorised publication, or to do anything which by law would be adjudged to be trespass, or any personal injury.

"That the printing of papers presented to this House, whether the same be accounts, reports, or otherwise, is or ought to be, for the use of Members of this House, and, as such, ought to be publication privileged; but that any sale or dispersal of such papers to any but to Members of this House is, and ought to be, publication not privileged.

"That while this House will resent and resist every attempt on the part of others to libel its proceedings, it does not claim, and ought not to claim, any exemption on the part of its Speaker, or any of its officers, from any legal liability to which its proceedings may be subject; and that any publication which would be a libel against an individual, if proceeding from another individual, is a libel if published by this House, any claim of privilege notwithstanding except as aforesaid; and that any act which would be adjudged by law to be a trespass or personal injury, if committed by an individual, is a trespass or personal injury if committed by order of this House, any claim of privilege notwithstanding except as aforesaid."

The *Attorney-General* would state shortly his reasons for concurring in the resolutions proposed by his noble Friend, and for opposing those moved by the hon. Baronet, the Member for the University of Oxford. That hon. Gentleman had regretted the thinness of the House, and that the feeling of the House had given way for the introduction of the subject. He could not join in that regret, because he believed those two very circumstances indicated that the House was nearly, if not altogether, unanimously in favour of the resolutions of the noble Lord. Looking at the constitution of the Committee, it would be seen that it had been formed without any reference to party, and it would be found also, that no one had opposed the resolutions of that Committee but the hon. Baronet, who stood quite alone. When he first had the subject under his consideration, he was very much inclined to think that there was a distinction between printing for the House and for the public, and that was the line of argument he took before Lord Chief Justice Denman, but upon maturer deliberation, he was convinced that such a distinction was wholly untenable. As the law now stood, an action might be brought against him for allowing a friend who visited his library to read any book or report which happened to have been printed by the House for the purpose of giving information to the Members thereof on the subject on which they were called to legislate, and he was very much afraid that an action might be brought against the Speaker himself. He believed that right hon. Gentleman and his predecessors had been in the habit of allowing persons to read papers which had been printed for the use of the Members of that House, and therefore, even under the view taken by the hon. Baronet, the Member for the University of Oxford, an action might be brought against him, and he might be committed to Newgate by the Court of King's Bench for having acted merely in discharge of his duty as Speaker of the House of Commons. It seemed to him impossible that they could discharge their duty as representatives of the people, if their privilege in this respect was restricted as the hon. Baronet wished. He contended, not that they were seeking to uphold the privileges of the House merely, but the privileges of the people of England, because their constituents had a right to know what they were doing. Were they to legislate in the dark? Were they to have the right of making Acts of Parliament without letting the people know what they were? Suppose a Bill happened to be before the House which would seriously affect the interests of his constituents, was he to be precluded from sending copies of it down to them, in order to give them an opportunity of preparing for the defence and protection of their rights? With regard to what the hon. Baronet had said about the publication of reports and papers concerning our colonial policy, he would ask him to look at the slave trade question. While that subject was under discussion, were not reports published and circulated which contained many grave charges against various persons? And though actions might have been founded on the accusations so made, he ventured to say, that the House never would have been able to carry the measure which it then had in hand, but for the dissemination of the information contained in those reports. He was convinced that they could not possibly do their duty without the full privilege of communicating with their constituents on every subject under consideration. In claiming that he claimed no new privilege. From the year 1641 down to 1837, it had been the uniform and uninterrupted practice of the House to print and circulate public documents. The Courts, therefore, ought not to deal severely with any individual who might have acted under the authority of this established custom. Was not that House entitled to the same privilege which the courts of law enjoyed? It had been determined over and over again that the publication of proceedings in courts of justice was not liable to an action. And why? Because the publication was considered to be beneficial to the people, even though the character of some individuals might suffer by it. The laws of the land were not to be administered with closed doors. In the case of "The King and Wright," Lord Kenyon decided gravely, that the privilege went much further than the Committee had contended for in the present case. Lord Kenyon said, that what the House had ordered to be published could not be liable to an action as a libel. The resolutions proposed by the hon. Baronet, as amendments, were mere truisms; and, considering that the House ought to express a decided opinion on this subject, he should call upon it to support the resolutions of the noble Lord. Another action was pending against the same party whose case had originated this discussion, and it was absolutely necessary that the House should either say that their privileges must be maintained, or at once waive them altogether. Believing that those privileges formed part of the law of the land, he called on the House to maintain them. He hoped the vote they would come to would have weight with the country, and put an end to the paltry and pettifogging proceedings which had been brought under the notice of the House.

Mr. *Pemberton* hoped the House would pause before it adopted the resolutions of the noble Lord. The question which they had to decide was, whether an individual whose character had been slandered and ruined should be dispossessed of his just right to vindicate himself before a jury of his country. He did not see why that right should not be secured to every person without interfering with the privileges of that House. He thought the doctrine laid down by Lord Chief Justice Denman was correct, but he could not help saying the resolutions of the noble Lord seemed to go immeasurably further than the subject required. There was nothing inconsistent in maintaining the privileges of the House and protecting private character. Even the Reform Bill gave the right of action against a revising barrister if he exercised his power improperly. In the case of "Burdett *v.* Abbott," the decision of the judges and of the House of Lords was against that of the House of Commons. He could not help also entertaining the opinion that the policy of adopting the present resolution would be most dangerous; because the inevitable consequence must be to make these questions matters of daily controversy. He must humbly contend that there was a question raised by this resolution which never could be upheld; because it made Parliament paramount to the law, and the result would be, that men would not be able to seek redress for injury done to them under its authority. Did the House believe, that in deference to this resolution, the King's judges would yield obedience to it? On the contrary, he believed they would do no such thing. The judges of the land would act in the same spirit as Lord Chief Justice Holt did, and persist in pursuing the same course which he did. In such a case, would the House be prepared to correct the Chief Justice? Such a resolution as the present could only be passed with the people to back it; but the proposition was one which they never would consent to. He did not call upon the House to abandon its privileges; but he did call upon it not to put them forward in a stronger manner than had ever been hitherto done. What he wished to see was, an end put to these disputes; and he would humbly submit to the House whether it would not be better, without asserting doctrines that would be perilous to the liberties of the people and their privileges, to take a course that shunned either of those results? It was admitted that it was desirable that persons who had been slandered in their reports should have an opportunity of vindicating their characters and of obtaining redress; what he would suggest was, that there should be a declaratory law on the one hand, and an active law on the other—that while parties should not be allowed to file criminal informations, they should be entitled to bring civil actions in defence of their reputations and characters.

Mr. Sergeant *Wilde* thought the question which they had to decide was whether they should entirely discontinue publishing their reports and minutes of evidence; for if those reports only were published which exposed no abuse and discovered no wrong, the public would gain but a small portion of benefit from the inquiries of Parliament. His hon. and learned Friend (Mr. Pemberton) had altogether shrunk from the real investigation. There was not, looking to the cases which had been quoted in the report, the slightest ground of legal doubt of the privilege claimed and the propriety of the resolutions which had been moved. He would put the question in this way—was the public entitled or not to the means of becoming acquainted with the results of Parliamentary inquiries, and the proceedings which took place in that House? If not, why had they opened their galleries to the public? The House had practically yielded to the call for publicity, reserving the right, no doubt of excluding strangers, but only when the public interest seemed to require it. To attempt to discuss matters generally with closed doors was quite impossible. To show the extent to which publicity was required and accorded, it was only necessary to recollect to what purpose one of the two galleries of that House was devoted. In the present state of public intelligence and popular feeling, it was impossible for Parliament to legislate either satisfactorily or wisely without from time to time giving publicity to their proceedings. The privilege claimed was quite essential to the protection of the public interest. It was said that the resolutions went far beyond the law of the land, but the law of Parliament was the law of the land, the most important and paramount in authority. Constitutionally and necessarily it overrode every other authority in the country. Parliament, no doubt, was the sole judge of its own privileges; and the courts of law disclaimed all jurisdiction in such matters. But it was asked what if the other House of Parliament should disagree to those resolutions? The case would then be met by conference between the two Houses, and the question would be set at rest. The House had exercised its undoubted right of publishing its reports and proceedings uninterruptedly for two centuries; however criminatory the reports might be, they were never supposed or held to be subjects of criminal proceedings until the case of Mr. Stockdale. And when it was attempted to raise an alarm in the public mind upon the subject, his reply was, that in that, the very first case which had been raised, all that was complained of was found to be true. It had been said, that a resolution of that House would be of no avail; he, on the contrary, maintained that in every constitutional view that House was for present purposes the Parliament, possessing the entire Parliamentary power as much as if both Houses were united and sitting in the same chamber. This was no new claim of privilege either on the part of the House or public, in a matter where it had the competent means of forming a judgment; it was absolutely essential to a due discharge of its most sacred functions; it was bound on every legal authority to affirm the resolutions, and could not without the grossest dereliction of duty and abandonment of the public interests allow the slightest doubt for a moment to remain on the question.

Mr. *Thomas Duncombe* should certainly vote against the resolutions; but in doing so he did not consider that he was at all committed to the amendment proposed by his hon. Friend opposite. In proposing the resolutions he maintained that the House was about to vote to itself a privilege which it had never possessed before. He had read with the greatest pleasure and satisfaction the charge of the Lord Chief Justice of the King's Bench, in which the independence of the bench, and the liberty of the subject were most manfully defended. The noble Lord who presided in the court had been a Member of the unreformed, and a Member of the reformed Parliament, and was therefore fully aware of the privileges of the House of Commons; if, then, the House should pass the resolutions now proposed, it would amount in effect to a vote of censure upon that individual, while it would be giving to themselves the most despotic, tyrannical, and arbitrary power, that ever was established.

Mr. *Hume* was surprised to hear his hon. Friend advance such opinions. No man was more opposed to anything despotic and tyrannical than he was; but he would ask his hon. Friend whether it was not the paramount duty of that House to inquire into abuses, of whatever nature they might be, that were brought before it? And if so, he would also ask whether, if in the course of those inquiries evidence should be adduced criminating particular individuals, they were to stop their proceedings, and prevent all further inquiry being prosecuted? For himself he would say that the high and important duties of Parliament could not be carried on if such a doctrine were to prevail. If the rule laid down by his hon. Friend was to be maintained, then they might as well put an end to all their inquiries. At the same time he admitted it was incumbent on the Committees of the House of Commons to take care that nothing was entered in their minutes which was not strictly necessary to elucidate the subject to which their inquiries were directed. Such a precaution would in a great degree prevent any mischief arising from the publication of their reports.

Mr. Sergeant *Goulburn* said, that he considered this question one of paramount importance, and on which he found it impossible to give a silent vote. It involved, in effect, nothing less than this fearful issue, viz. whether that House possessed the power by its mere fiat to supersede the law of the land, and shut out the subjects of the realm from the protection heretofore thrown round them by that law? If it possessed that power in cases affecting the private character of individuals, it would follow that it possessed it to an equal extent in cases affecting property, since no man could deny that the right of repelling and refuting slander was a right of equal (frequently of far greater) importance to the subject, than any rights merely involving pecuniary considerations. His learned Friend (Mr. Sergeant Wilde) had talked of the great vigilance and caution with which this right would doubtless be exercised on the part of this House; but he begged to remind his learned Friend, as a proof of what little vigilance or caution was exercised in these matters, that a gross libel on the Chief Justice of the Common Pleas, imputing to that learned and excellent person the grossest personal corruption, had been presented to that House by an hon. Member, was afterwards printed, and was now to be purchased for a most inconsiderable sum. The character of the Chief Justice was so deservedly high as to defy all attacks upon it, but the same might be done with respect to the humblest subject in the realm, and that subject would be denied the right of proving the falsehood of the charges made against him—charges it might be of such a nature as to drive him from society. He would also remind the House of the case of the Committee on the Poole Municipal Election Bill, in which the grossest charges were made against numerous individuals of high character in that town, professing to be grounded on affidavits which were wholly omitted from the published report; and yet according to his learned Friend, these individuals were not to be permitted to challenge their accusers to prove, or themselves to be allowed to disprove, the imputations thus falsely thrown upon them. His learned Friend had disputed the authority of the case of Burdett *v.* Abbott, because forsooth, it occurred "in an unreformed House of Commons." But whence, he would ask, did his learned Friend derive his precedents? Why, from that same source; aye, and in its worst and most corrupt days. The learned Serjeant, in conclusion, called upon the House to pause before it interfered with that supremacy of the law which had hitherto formed the best protection of the subjects of the realm, in whatever station, the humblest as well as the highest, and assumed to itself as one branch of the legislature a power which belonged only to law when enacted by the three estates of the realm.

Sir *Robert Peel* said, that he should be sorry to come to a decision without shortly expressing the ground on which he should vote in favour of the resolutions proposed by his Majesty's Ministers. The first impression of every man, and particularly of those who had not paid much attention to this subject, would unquestionably be adverse to the principle upon which the Report of the Committee was founded; for it must appear manifestly unjust that any public authority should have the power of authorising the publication and the sale of libels upon the characters of individuals. At the same time, however, he was convinced that upon mature reflection those who had given way to this first impression, would ultimately acquiesce in the absolute necessity, if the House of Commons were to continue in the discharge of its constitutional powers, of maintaining this privilege of publication, and in maintaining for itself the exclusive right of judging of the extent and nature of that privilege, Was it, he would ask, the duty of the House of Commons to institute free inquiries into alleged abuses of public trusts? If that were its duty, if it were one of the public functions of the House to institute those inquiries, what was the limit which was to be placed, or the discretion to be exercised, in conducting those inquiries? Was it not manifest, if the House did not possess a free and unfettered power of compelling the appearance of witnesses and of instituting a free and unfettered inquiry, that their privilege, or their duty rather, as the grand inquest of the nation, must be at once paralysed? But if the House of Commons possessed the power of compelling the attendance of witnesses and of compelling those witnesses to make a disclosure of the truth, ought they not, having so done, and having given publicity to such evidence, to protect those witnesses from the consequences of that disclosure? And as to the publication of the evidence, might not that publication be essential in order to satisfy the public mind with respect to the grounds of their legislation, and to make the constituency of the country aware of the principles upon which their representatives acted? He would say, therefore, that from the dictates of reason, and from what common sense suggested, the House of Commons ought to have the power, subject to no extrinsic control, of exercising their inquiries freely, without being exposed to any legal results. But it was not upon reason and common sense alone that he founded this principle—he founded it upon the uniform practice of Parliament. There was a series of cases showing that for the last 120 years Parliament had been in the practice of instituting these inquiries. It had instituted inquiries with respect to allegations of abuses in the East Indies; with respect to allegations of abuses in the election of Members of Parliament; with respect to allegations of abuses as to the slave trade in the West Indies; and as to the management of the cotton manufactories in this country. The question, then, briefly was, whether the House were to continue in possession of the power of instituting inquiries into alleged abuses or not? If they were to inquire, then did it not of necessity follow that they must have the power to summon and xamine witnesses? If, indeed, they were private individuals, they would have no right to publish the truth to which those witnesses might bear testimony; but neither would they have the right to make the inquiries. It was because, as a public body, they had authority to make these inquiries and to submit the result to the public that they were to be privileged. This privilege, it would appear, had been exercised for 120 or 130 years, and during that time Mr. Warren Hastings had been attacked, and many other persons of the highest eminence had been attacked by its exercise, or he ought rather to say would have been at-attacked if the inquiries respecting them had been instituted by an unauthorized body or by individuals. Up to the present time, however, it had been the doctrine that Parliament had the right to institute inquiries of this nature. But on an allegation being made by a Report of a Committee that a Mr. Stockdale had published an obscene pamphlet, an action was brought against an officer of the House of

Commons for that publication. What said the authorities? He would take the authority of Lord Tenterden, who stated, that he doubted whether there existed the privilege to sell a libel. Lord Denman said, that if this publication had been written or printed merely for the use of the Members of the House, it would have been a different thing. They had, then, this admission that there was little doubt of the authority of Parliament to institute these inquiries, and that there was also little doubt of their right to print for the use of their own Members a fair statement of that which was disclosed. Now, he would ask for no further concession in favour of the principle for which he was contending, which was, that the House had the power of protecting parties from the consequences of giving evidence which the House had compelled them to give. The only remaining question was, whether there was a legal distinction between printing for the use of Members and the subsequent sale. He imagined that there was not; and if so, the doctrine that the sale of publications printed for the Members subjected the officers who printed them to question by the Court of King's Bench must be abandoned. Had a man a right to give away a libel? He who circulated a libel merely for a mischievous purpose was equally liable to legal question as the individual who sold it for profit. In the eye of the law there was no distinction between publication and sale. But if this were so, how happened it that a different view would have been taken of this case if the publication had been only for the use of the Members. Let them look at the absurd consequence which would result from the adoption of such a principle. It had been the practice, before that of sale commenced, to print more documents than were required for circulation among the Members, and to distribute them freely; but if the principle which had been laid down could be sustained, should the Speaker give a single copy he would be subject to prosecution. Though Members were entitled to their copies, if, having obtained them, they lent them or if they ceased to be Members were they to be subject to legal question? Suppose a Member went to his constituents, and referred to the documents which as a Member he was entitled to use—suppose, in explaining his conduct to his constituents, he found it necessary to advert to some statement in the documents, and that such statement threw severe aspersions on certain proprietors in the West Indies, was he not to be permitted to state the details of those transactions by which his conduct had been determined? Then, would the newspaper that published a report of his speech be liable? He referred to these things merely to show the absurdity of the distinction between publications for the use of Members and the subsequent sale. It was impossible to maintain such a distinction. If they admitted the right to publish for the use of Members, and the right of the Member to publish in vindication to his constituents of the course he had pursued, then they must allow that there was no legal distinction of such a nature as that which he had described. If it could be shown that this privilege were necessary for the protection of the functions of Members, and that for a long series of years there were precedents for the sale of the papers, he could not conceive on what grounds they could refuse to assert their privilege, because now for the first time it was questioned by Mr. Stockdale. A committee which sat on this case would not even be able to make a report without being liable to question, for they thought it necessary, to enable the House and the country to judge of the matter at issue, to print a copy of the declaration filed in the King's Bench on the 7th of November, 1836, and in the course of that document it was stated that John Joseph Stockdale had published a book of a most disgusting nature, and indecent in the extreme. If the King's Bench could interfere in this way with the privileges of the House, it might as well at once close its doors as a court of inquiry. The hon. Member for Ripon had suggested that the better course might be to trust to a declaratory Bill. The objection to that was, that the House of Lords might not agree to it, and then they would have thrown a doubt upon the extent of their privileges, without having succeeded in obtaining a law to secure them. He admitted that the power claimed by the House was arbitrary, and that therefore it became them to use it with the greatest possible caution and discretion. When he called it arbitrary, he meant that it was an exclusive jurisdiction, admitting no co-ordinate authority; but when he compared the disadvantages likely to arise from the exercise of the power with the inconvenience which must result from the House being deprived of it, he found that there was the strongest reason for the House continuing it in its possession.

Mr. *Goulburn* conceived the resolution

before the House was too extensive. Although he concurred to a certain extent in all that had fallen from his right hon. Friend, he thought that the resolution should have been so framed as to embrace the case before the House, and that only. It was too much to attempt by such a resolution to sanction the power of that House to publish all and every suggestion that might under every case arise upon evidence given before committees of inquiry upon all questions submitted to them.

Mr. *Williams Wynn* agreed in most of the abstract propositions of his right hon. Friend, but he thought that the ends of justice for the preservation of private character would be sufficiently answered if the parties who considered themselves libelled were permitted, on petition to come before the House, and attempt to disprove by evidence the charges made derogatory to their character. Such was the tenor of the precedents in all similar cases on the Journals of the House. If an inquiry were to be instituted as to certain alleged criminal acts by a gaoler, and evidence conclusive as to his guilt appeared in the Report of the Committee, would it be tolerated by Parliament that this should be made the ground of an action in a court of law? In his opinion, certainly not. Whenever power was given for the benefit of the public, it would be impossible to guard against some amount of positive evil resulting from its exercise; and the question then was, whether the law of Parliament and the interest of the public should abate in favour of the interests of private individuals. The privilege had existed ever since the reign of Henry 3rd. No one but Chief Justice Holt, and he was opposed in opinion by the eleven other Judges, had attempted to question the principle that the House of Commons was the only competent judge of its privileges. The result of allowing the right to be questioned would be to decide all questions affecting the privileges of the House by an appeal to the House of Lords, and the common privileges would then depend solely on the sufferance of that coordinate branch of the Legislature. He should give his most cordial assent to the resolutions.

Mr. *Wakley* was anxious to put a question to the Attorney-General. Their great object was to disseminate the proceedings of that House throughout the world. Now, he was anxious to learn whether the privilege they were about to confer was to be restricted to the Officer of that House, or to be allowed to the public generally; in other words, he desired to be informed whether, under the sanction of that House, individuals would be allowed to republish any petition or report that had been issued from their office. They would restrict and narrow the benefit to a great extent unless authority were given to all to do that which the officer was authorised to do.

Mr. *Hardy* particularly objected to the second resolution as tyrannical.

The first resolution was agreed to.

On the second resolution being put,

Viscount *Howick* said, as some difference of opinion prevailed with regard to this resolution, he thought it might be expedient to alter a portion of the words; the principle he considered unexceptionable. He proposed, then, to make an alteration which, while it would retain all that was necessary, might meet some of the objections urged against the resolution. The amendment he had to suggest was, that they should stop at the word "privileges" at the beginning of the third line; the resolution would then read thus:—"By the law of the privileges of Parliament, this House has the sole and exclusive jurisdiction to determine the degree and extent of its privileges."

Mr. *Pemberton* thought the omission of the words in question made the resolution less offensive in language, but left it equally objectionable in principle.

Mr. Sergeant *Wilde* said, that the words proposed to be left out by the noble Lord had been adopted by the House before.

Mr. *Hume* hoped that the noble Lord would persevere in retaining the original resolution, as he was to gain nothing by the alteration.

Viscount *Howick* would adopt the suggestion of the hon. Gentleman.

The House divided on the original resolution:—Ayes 126; Noes 36: Majority 90.

Resolutions agreed to.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alsager, Capt.
Angerstein, John
Anson, Col.
Attwood, T.
Baines, E.
Baring, F. T.
Beckett, Sir J.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Biddulph, Robert
Blackburne, I.
Blake, Martin Jos.
Bolling, Wm.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Buller, Sir J. B. Yarde
Campbell, Sir J.
Cavendish, hon. G. H.
Chalmers, P.

Chichester, A.
Clerk, Sir G., Bart.
Collier, John
Collins, W.
Crawley, S.
Darlington, Earl of
Divett, E.
Dunbar, George
Elphinstone, H.
Follet, Sir W.
Forster, C. S.
Gaskell, Daniel
Gisborne, T.
Gordon, Robert
Goring, H. D.
Graham, Sir J.
Gully, John
Hastie, A.
Hawes, B.
Hay, Sir A. L., Bart.
Heathcoat, J.
Hector, C. J.
Hilsborough, Earl of
Hinde, J. H.
Hindley, C.
Holland, E.
Houstoun, G.
Howard, Philip Henry
Howick, Viscount
Hume, J.
Hurst, R. H.
James, William
Johnstone, Sir J.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lushington, Dr. S
Lushington, Charles
Lynch, A. H.
Mackenzie, T.
Macleod, R,
Marshall, Wm.
Morpeth, Viscount
Mullins, hon. F. W.
Murray, right hon. J.
Musgrave, Sir R.
O'Connell, J.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, M. E.
Parker, John
Parrott, J.
Pattison, James
Pechell, Captain
Peel, rt. hon. Sir R.
Perceval, Col.
Ponsonby, hon. J.
Price, Sir Robert
Pryme, George
Pryse, Pryse
Pusey, P.
Rice, rt. hon. T. S.
Roche, William
Ross, Charles
Rundle, J.
Russel, C.
Russell, Lord J.
Ruthven, E.
Seymour, Lord
Spry, Sir S.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Steuart, R.
Stewart, John
Strickland, Sir G.
Strutt, C.
Tancred, H. W.
Thomas, Colonel
Thompson, Col.
Thornley, T.
Trelawney, Sir W.
Tulk, C. A.
Turner, W.
Verney, Sir H., Bart.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H.
Wakley, T.
Wallace, Robert
Warburton, H.
Wemyss, Capt.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilson, Henry
Winnington, H. J.
Wood, Charles
Wynn, rt. hon. C. W.
Wyse, T.

TELLERS
Grey, Sir G.
Rolfe, Sir R.

List of the Noes.

Balfour, T.
Baring, W. B.
Baring, T.
Borthwick, Peter
Elley, Sir J.
Fector, John Minet
Forbes, Wm.
Gladstone, Wm. E.
Glynne, Sir S. R.
Goulburn, Sergeant
Grimston, Viscount
Halford, H.
Hardy, J.
Hayes, Sir E S., Bt.
Hogg, James Weir
Hotham, Lord
Jackson, Sergeant
Jervis, John
Jones, Wilson
Law, hon. C. E.
Lawson, Andrew
Lincoln, Earl of
Marsland, Henry
Nicholl, John
Pemberton, Thomas
Plumptre, J. P.
Price, S. G.
Scarlet, Hon. R.
Stormont, Visct.
Sturt, Henry G.
Talfourd, Sergeant
Trevor, hon. A.
Vivian, John Ennis
Wason, R.
Williams, Robt.
Young, G. F.

TELLERS,
Inglis, Sir R. H.
Duncombe, T.

HOUSE OF LORDS,

Thursday, June 1, 1837.

Minutes.] Petitions presented. By the Earl of Sefton, from Preston, for the Irish Municipal Corporations Bill.—By the Bishop of Carlisle, from places in Lincolnshire, for Church-rates.—By the Duke of Wellington, from various places, in favour of Church-rates.—By Lord Skelmersdale, from places in Wilts and Lancashire, to the same effect.—By the Duke of Richmond, from Ross and Cromarty, in favour of the Prison Discipline Bill.—By the Bishop of Winchester, from places in Glamorgan, against the abolition of Church-rates.—By the Marquess of Bute, from the General Assembly of Scotland, in favour of the Bill for the better Observance of the Sabbath.—By the Bishop of Winchester, from a place in Gloucester, for Church-rates.—By Lord Brougham, from various places, against Church-rates.—By the Duke of Rutland, from the Agricultural Society of the county of Leicester, against any alteration in the Corn-laws.

Van Diemen's Land. — Colonel Arthur.] The Earl of *Ripon* rose to move an Address to the Crown for the production of a despatch written by the Governor of Van Diemen's Land in October last, and addressed to the Secretary of State for the Colonial Department, with certain inclosures, including an accurate statistical account of the state of the colony at the date of the letter, as compared with the antecedent period, when that Governor was first appointed Governor of the colonies, on the separation of Van Diemen's Land from the larger colony in New South Wales. There were several grounds on which he considered that the state of Van Diemen's Land at the present period required their Lordships' serious consideration. Some measures were before the other House of Parliament having for their object to mitigate the severity of our criminal code. On this subject he must remark that the question of secondary punishments became of peculiar importance when it was proposed to abolish to a considerable extent the punishment of death. Parliament was particularly called on at such a time to consider what was the state of those colonies with respect to their convict population; whether they were adapted to the penal object with which they were maintained: whether the regulations for insuring that object were such as were consistent with the interests of the other classes of the population, and what substantial punishments should be inflicted in those cases in which the punishment of death was withdrawn. Great improvement had taken place in the course of the last ten years in that colony; there had been a considerable increase in its population, in the amount of its agricultural produce, and in its manufactures and trades of every description. Large quantities of wool had been sent from the colony to England. In 1824 there was only one bank in the colony; in 1835 there were six, with a paid-up capital which amounted to 200,000*l*. With regard to its shipping, in 1824 there were entered inwards thirty-three vessels, the tonnage of which was 11,000; the number entered outwards was thirty-five, the tonnage of which was about 11,000. The value of the imports was 62,000*l*. In 1835 the number of vessels entered inwards was 234, the tonnage being 55,000; the number entered outwards was 225, the tonnage being 53,000*l*. The value of the imports was 583,000*l*., and the value of the exports was 320,000*l*. These statements showed that the Government had paid its best attention to the interests of the inhabitants of the colony. Before he concluded he begged to say a word or two respecting the individual under whose administration these great improvements had taken place. For the last ten years the government of the colony had been administered by an officer in his Majesty's service — he meant Lieutenant-Colonel Arthur; and having had the means of knowing officially the views of those who were resident as to the manner in which the government of the colony ought to be conducted, and having had the opportunity of watching the government of Colonel Arthur, he thought it an act of justice to that gentleman to say, that in his opinion the government of a colony had never been administered by any gentleman more thoroughly competent to the discharge of the arduous duties undertaken by him. Colonel Arthur was a model of a judicious, a humane, and a liberal governor.

Lord *Glenelg* had no objection to the production of the papers moved for by his noble Friend. He agreed with his noble Friend that the task of governing those colonies required great firmness and great ability, and that Colonel Arthur in everything that he had done appeared to have been directed by the best motives, and, generally speaking, his government was distinguished by great firmness. That gentleman had been exposed to many attacks—charges had been made against him while he (Lord Glenelg) held his present office; it had, therefore, been his duty to examine into them, and he had the satisfaction of saying, that Colonel Arthur had given them not only a complete but a triumphant answer.

Motion agreed to.

POOR-LAW ACT.] The Bishop of *Exeter* presented a petition from Macclesfield, praying either for the repeal of the Poor-law Act or for some very important alterations in that law. He would take that opportunity of addressing a few observations to their Lordships in relation to the motion of which he had given notice a few nights ago. He would preface what he had to say by stating, that he in submitting that motion to their Lordships meant nothing in the way of censure, or inculpation of any sort, of the Poor-law Commissioners. He had the happiness of knowing one of those Commissioners, and he was sure that neither that right hon. Gentleman, nor, he believed, any of his colleagues, was disposed to act in a harsh or unfeeling manner. He was well aware that no positive and general order had been issued by the Commissioners prohibiting permission from being given to paupers in workhouses to go out to attend divine worship in the parish churches on Sundays; but the fact was, that such a regulation was very generally carried into effect, and a return which had been made to their Lordships' House proved that it was in force in the union of Worcester. According to that return, one class of the inmates of the workhouse were permitted to attend divine service at chapels—namely, such paupers as might be members of Dissenting congregations, provided they returned in time to the workhouse. There was, however, established a prohibition with regard to persons not coming within that description. He felt bound, in justice to the Commissioners, to say, that the gentleman who had favoured him with this communication had received a letter from the board of guardians in Worcester, stating that they had not received any order from the Commissioners prohibiting paupers going out of the workhouse for the purpose of attending divine worship at the parish church on Sundays. But, though no precise rule had been issued by the Commissioners to that effect, yet it was clear that the whole course of their proceedings went to establish such a regulation. The union proposed certain rules for confirmation or rejection by the Commissioners; and if confirmed, they then became the regulations by which the proceedings of the board of guardians were conducted. It was plain, therefore, that the regulations of the Worcester union, prohibiting paupers who were members of the Church of England from attending divine service at the parish church, having been submitted to the Commissioners or sanctioned by them, was in point of fact virtually the act of the Commissioners. He spoke on authority well known to their Lordships—the second annual Report of the Poor-law Commissioners. It was stated in that report that "attempts have been made, in almost every form which ingenuity could suggest, to evade or subvert the rule which renders it necessary for a pauper who resorts to the workhouse for maintenance to continue altogether within its limits during the time he receives relief. The most powerful of the attempts to break down this essential rule have reached us in the form of applications that paupers should be permitted to go out on Sundays for the purpose of attending places of worship." This extract of itself showed what was the principle upon which the Poor-law Commissioners acted; they called the rule essential, and they said it would be impossible to maintain the rule if the important part relating to prohibition were not enforced. He must observe, that the conduct of the Worcester Union did not seem to accord very strictly with those precepts of the Commissioners. He rejoiced, however, that the guardians of the union had deviated from the principle; for if they had not, there would have been committed a most serious violation of the common rights of liberty belonging to the members of the Church of England, and to the Dissenting inmates of the workhouses, as well as a grievous infringement of the principle of toleration, inasmuch as the latter would have been prevented from attending their own places of worship, whilst they would have no opportunity of assisting in public worship within the walls of the poor-house. It was stated in a letter addressed to the Poor-law Commissioners by an Assistant Commissioner, Mr. E. C. Tuffnell, that, "in fact divine service performed in the workhouse only differs from that in parish churches by the room being smaller and less decorated, the absence of an organ, and the inferior pomp and circumstance of the celebration. These are points which may possibly be of importance in a religion of forms and ceremonies, but are assuredly worth little consideration to a Protestant population, who profess a religion of the heart, and who worship God in spirit and in truth." If that letter merely expressed the individual opinion of the writer, he would not have called their Lordships' attention to it; but the strongest approbation was bestowed on the writer's sentiments by the Commissioners in their report, so that the letter is announced as containing the views of all the Commissioners who were empowered to regulate all the unions within the realm. He would appeal to their Lordships whether the only difference between divine service performed in a workhouse and a church consisted in a less or greater degree of pomp and circumstance. Their Lordships were well aware that that constituted only the smallest part of the difference. Their Lordships knew that the great object why paupers should attend their parish churches was, that they might return thanks, with their superiors, to their common God and Father. It was then that the pauper's heart swelled, not only with gratitude to his Maker, but with contentment, and thanks for that dispensation which offers to him beyond the grave, it might be, a happier and better lot than would befall the greatest and proudest whom he saw around him. He need not attempt to describe the feelings which naturally arose in their Lordships' minds when joining in prayer with their humble fellow-countrymen in the House of God, in which all were equal; but he asked them, would they allow that the poor man should be prohibited from attending his parish church, and joining with them in common worship of their common God, and having his feelings of gratitude heightened by the consciousness that there, at least, he stood on an equality with the proudest in the land? But was such the case according to the regulations established under the Poor-law Act, and was the Protestant population of this country to be called on to sanction those regulations? He, for one, repudiated them. He must say, and he said it with shame and grief, that it was disgraceful to the reformed population of this land, that there did not prevail so strong an idea of equality of ranks in the House of God as did exist in Roman Catholic communities. Their Lordships' were aware that in Roman Catholic Churches the highest and greatest nobleman in the land kneeled in prayer by the side of the most destitute pauper. He grieved to think that it was owing to our system of pews that the same practice did not prevail to the same extent in the Protestant Churches. Whatever advantages the "pew system" might have, it was attended with this enormous disadvantage, that it led to a most grievous usurpation of the best rights of the poor, because in many places it made it difficult, and in some places impossible, for the poor man to worship his Maker in common with his more wealthy neighbours. But was this a reason why another step should be taken in the wrong direction, and the poor be excluded, not only from pews, but from their parish churches, if they were so unfortunate as to require relief from the parish? He protested against the prohibition established under the Poor-law Act, and he was sure their Lordships would be of opinion that some mode must be devised by the Poor-law Commissioners for carrying their measures into effect which would not interfere with the rights of the poor. If what he had stated was not sufficient to convince their Lordships of the impropriety of the rule to which he had called their attention, he might appeal to the state of the law on the subject. Of course it was with diffidence he offered his opinion on a point of law; but, nevertheless, he felt it to be his duty frankly and fairly to declare what was his own strong conviction. He believed, then, that the prohibitory regulation of which he complained was contrary to the common law of England. Their Lordships needed not to be told by him that the canon law of England before the Reformation, in so far as it was not repealed by the statutes of Edward and Elizabeth, was, and is now, part of the common law of the land. Now, it was stated by one of the greatest authorities on ecclesiastical law, he meant Gibson, Bishop of London, that "by the common law or practice of the Church of England no person can be duly discharged from attending his own parish church, or warranted in resorting to another, unless he be first duly licensed by the ordinary by licence under seal, which licences are very common in our ecclesiastical records." It was not his intention to suggest that that law should be carried into effect. All he stated was, that such was the law; and that, consequently it could not be permitted that any regulations in defiance of the law should be made or sanctioned by the Poor-law Commissioners, however great their powers might be, and enormous and unparalleled they certainly were, except by the authority which was conferred on the Commission in the reign of Edward 2nd, enabling that body to govern the country with all the powers of royalty. But supposing he was wrong in his notion respecting the common law of the land, he certainly was not deceived with regard to the statute law. By the 1st of Elizabeth, chap. 2, by the 23rd Elizabeth, chap. 1, sec. 5, by the 3rd James, chap. 4, the duty of attending divine worship was strongly enforced, and very severe penalties were imposed for neglect by the statute of James. He might be told that that was a very old law, and he confessed that he should be unwilling to see those provisions imposing penalties carried into effect. But it had pleased the Legislature to keep that law on the statute book! it had not been retained by mere inattention, for a distinct enactment had been passed, the 31st George 3rd, chap. 32, sec. 9, declaring, that "all laws for frequenting divine service on Sundays are confirmed, unless such persons frequent a legal dissenting congregation." Such being the law, it is not within the competency of the Poor-law Commissioners to set it aside. Before he sat down he would take the liberty of reading another extract from the Report of the Poor-law Commissioners. They stated, that "It is necessary for us however, to add, that in workhouses in which no chaplain had been appointed, and in which no adequate accommodation exist, for the performance of divine service, the rule has been relaxed, and the inmates of the house have been, for a time, permitted, under certain regulations, to go out for the purpose of attending divine worship." It therefore appeared that the prohibition had been in some cases relaxed, and he should include in his motion a demand for a copy of the regulations which were now enforced when the rule was relaxed. He thought that he must have convinced their Lordships that a general prohibition to attend divine worship was established under the express sanction of the Poor-law Commissioners, and he had not therefore wasted their Lordships' time by calling their attention to an evil which had no existence. The right rev. Prelate concluded by moving "That there be laid before this House a copy of any rule or rules made by the Poor-law Commissioners, preventing the pauper inmates of workhouses from attending divine worship in their several parish churches on the Lord's-day. Also a copy of any regulations adopted by the board of guardians of any union or parish to the same effect which may have received the sanction of the Poor-law Commissioners. Also a copy of any regulations under which the pauper inmates of workhouses may have been permitted, under the sanction of the said Commissioners, to go out on Sundays to attend divine worship."

The Duke of *Richmond* regretted that the right rev. Prelate in making this motion had not abstained from attacking the Commissioners, of one of whom he himself expressed himself in such high terms. If the right rev. Prelate had first ascertained the facts of his supposed case of the favour shown to Dissenters, he would have found that it was a rule, adopted on the soundest principles, that the inmates of workhouses were not permitted to leave them without three hours' notice, and that then they were not permitted to return except by order of the relieving officers or board of guardians. The right rev. Prelate, in insisting on the importance of paupers attending their parish churches, seemed to be ignorant of the fact that, in many places, the size of the parish church would be quite inadequate to the reception of the pauper inmates of a union workhouse, in addition to the population of the parish. If paupers coming from a parish whose church was perhaps seven miles distant from the workhouse were allowed to go out for the purpose of repairing to their church, the extreme probability was, that the greater part of them would save themselves the walk by repairing to the nearest beer-shop. Indeed, in cases where paupers had been so let out, the fault in a great number of instances was, either that they had not gone to church at all, or that they had been turned out of the church in a state of drunkenness. The right rev. Prelate's proposition was more calculated to benefit the beer-shops than to promote religion. The church service was regularly read and sermons delivered on Sundays in the workhouses, by chaplains appointed, with good salaries, by the boards of guardians, and the ministers of other sects had unlimited access to Dissenters. It would be a mere encouragement to the idleness and debauchery which brought so many persons into the workhouses, if paupers were allowed to leave it when they pleased. He deeply regretted that the right rev. Prelate should have seized this opportunity to indulge in an attack against the principles of this measure, and the large powers necessarily given to the Commissioners. It was a measure which had already produced the most beneficial effects on the morals of the country, and it was peculiarly to be regretted that the right rev. Prelate should have made so strong a statement on the subject at the present moment, when the principle was about to be carried into execution in so many parts of the country, in the manufacturing districts especially, where already so much clamour had been made on the subject. This proceeding of the right rev. Prelate tended to increase the undue prejudice against the working of the measure. If the right rev. Prelate's views were acceded to, it would be indispensable in their Lordships' House to recommend to the other House the bestowal of large grants for the building of new churches throughout the country. To say that old men of seventy or eighty should walk seven miles from the workhouse to the parish church was preposterous.

The Earl of *Malmesbury* said, that however much he might be opposed to the Poor-law Act, no man was more disposed than he was to discuss its provisions in calm and temperate language, but he could not abstain from saying that the statement of the noble Duke fully justified his (the Earl of Malmesbury's) opposition to the formation of extensive unions. The noble Duke had very properly said, that it was not to be expected that the feeble and the aged could go to a church situated seven or ight miles from the workhouse; but why, he asked, should the pauper ever have been removed to that distance from his church? One objection to allowing the paupers to quit the workhouse was, the probability of some of them getting drunk; but if a few were guilty of that offence, surely that was no reason why the whole should be punished. It would be very easy to prohibit those who had once misconducted themselves from going out on a second occasion. The use of a chaplain in a workhouse was only to administer religious consolation to those who from their infirmities were unable to attend their parish church; but those who were able to do so certainly ought to attend their own churches. It was, he thought, a most unfortunate thing that an Act should have passed vesting such unlimited powers in the hands of the Commissioners. A moderate Act he would have supported, but to the recent Act he had at first objected, and still continued to object, and he would earnestly entreat those in whose hands was the power to revise the regulations complained of, which, in adding to the misfortune of the unfortunate, were both unfeeling and unjust. He felt sure that now that the attention of the Commissioners had been called to the subject, they would apply themselves to the question, so as to enable the well-behaved paupers to enjoy those religious advantages that should not depend upon rank or wealth, but should be equally open to all.

Earl *Fitzwilliam* denied, that the new Poor-law Act treated poverty as a crime. It did say, indeed, that when a man called on others for relief these should be entitled to annex to the giving of such relief such conditions as they might think necessary to secure themselves against imposition; but this was not treating poverty as a crime. With respect to carrying out that common and statute law which the right rev. Prelate stated to exist in this country on the subject, he should wish to ask him, as the noble Duke had already asked him, whether he thought it possible, in a union of even moderate extent, for the persons belonging to all the parishes in the union to attend the different parish churches within it? The right rev. Prelate charged this against the Commissioners as a fatal error in their administration of the law, but it was a principle the strict adherence to which would greatly promote the success of the measure. As well might it be insisted that when the militia of Devon, for instance, were assembled in Exeter, each individual should repair on the Sunday to his parish church. It would be almost impossible for the inmates of a workhouse to go to their different parish churches on the Sunday. The right rev. Prelate must well know that there was nothing more important than to form the people into congregations; that it was most essential for the administration of religion that the person who administered religious service and the people to whom he administered should stand in defined relations to one another; that the minister should have his own congregation and the congregation its own minister. It followed that it was a wise regulation that a chaplain should be appointed for the inmates of each workhouse. Suppose, now, that the rule was the other way, that the inmates of workhouses were compelled to attend their respective parish churches on the Sunday, would this not be held up even by the right rev. Prelate as a grievance on the aged inmates of these workhouses, to say nothing of the younger men. He sincerely trusted that the effect of the right rev. Prelate's motion and speech would not be to excite still further that mistaken hostility to the measure which unfortunately prevailed in some of the northern parts of the country.

Viscount *Melbourne* believed, from what the right rev. Prelate had stated in the course of his speech, that it was not on light grounds he had brought forward this motion; but the right rev. Prelate had taken a course which could only add to the excitement which already prevailed in the country in reference to this question. Nevertheless, not to give the right rev. Prelate credit for those feelings which he had declared had actuated him, would be derogatory not only to that right rev. Prelate himself, but equally so to the bench on which he sat; not to give the right rev. Prelate credit for the feelings he professed would be to suppose him capable of grossly abusing the privilege which he enjoyed of voting in their Lordships' House; it would be to suppose that he prostituted the dignity of his sacred calling; that he was not placing himself on a level with, but below the level of those worst of demagogues, who, through the agency of the press, or public meetings, were trying to excite public feeling against the operation of that law, which had been framed in a spirit most conciliatory to the poor, which had been framed on the soundest principles, and on principles which were best calculated to carry into effect the objects for which it was intended. He therefore gave full credit to the declaration of the right rev. Prelate as to the motives which had induced him to bring this matter forward. With respect to the case itself, of the Worcester union—that was a very ancient union, under an Act which was known as Newport's Act, and it had lately been brought under the control of the Poor-law Commissioners. There was a chaplain appointed to that union, and divine service was performed every Sunday within the walls of the workhouse. The order which had been made in respect to Dissenters was before their Lordships, and he had the authority of the Commissioners to say that it had never been submitted to them; and if it had been submitted to them it was not for him to say how it would have been dealt with, because it was in contradiction to the second report, and it was liable to this inconvenience—that it held out a temptation to those who wished to evade the orders of the workhouse, to go out of the house, to declare themselves members of any dissenting congregation; and, therefore, being contrary to the recommendation of the Poor-law Commissioners, it might probably have been objected to on that account; but still it had never been submitted to the acting Poor-law Commissioners. It was, therefore, not for him to say what might have been, or what might be, the decision on the matter, when it should come under their consideration. But the general rule which was recommended by the Poor-law Commissioners, and by the Board of Guardians, with respect to the regulation of poor houses, was to make it absolutely necessary to establish and adhere to the principle, not that no person should go out of a Sunday, but that no person should be permitted to leave the workhouse on a Sunday without the leave of those persons who might have the management of the workhouse. And this was not a new power exercised by the Poor-law Commissioners, it was no new power, because it existed before the Poor-law Amendment Act became the law of the land. It was a control which had been always exercised in the workhouses; nor could anything connected with this point depend upon the Poor-law Commissioners, or have anything to do with any power exercised by them. The object of the Act was to make general the system of management which had been introduced into particular parishes; and this was one of those rules and orders which were found to work most beneficially in those parishes in which an improved system had been adopted. This being the case, there was nothing to be charged against the Poor-law Commissioners on the present state of the law on the subject. He admitted it was a question which was deeply interesting to their Lordships—he admitted that it was deeply interesting to those who had a due regard for the morality and religion of the country. He admitted that if a person wished to go out of a Sunday to indulge in licentious practices, such proceedings should not be allowed; but, on the contrary, if a person wished to attend his parish church rather than the service performed in the workhouse, then they were to look on that side of the picture, and some relaxation of the regulation should be permitted. But it appeared to him that a very considerable discretion was vested in the Board of Guardians, and in those to whom the internal management of the workhouses was consigned, who must be supposed to act with reference to circumstances, as to the distance of the parish church from the workhouse, the possibility of attending it, the character of the person making the application, and the manner in which he generally deported himself. And these were the reasons why the Commissioners were vested with these powers. He apprehended that those who prevented the inmates of workhouses from going out on a Sunday to attend the parish church, could hardly be considered as acting contrary to law, because it happened to clash with that Act of Parliament which required every person to attend his parish church or chapel. With respect to the motion itself, he had no objection whatever to the order being made. He apprehended, however, that no return could be made to the two first clauses; but it must be satisfactory to the right rev. Prelate to have no return.

The Bishop of *Exeter* said, the great size of the unions had been objected to as an argument against his view; that inordinate extent of the unions was one of the crying evils of which he greatly complained, and the noble Earl had referred to his argument as if he had spoken of compelling people of eighty years of age to attend their parish church. The noble Earl had stated, that under the provisions of the Bill those who were unable to work might receive out-door relief, but he must for one moment call the attention of the noble Earl and of the House to the real state of the case with respect to those unhappy people. By the provisions of the Act it was necessary that a magistrate should sign a declaration that of his own knowledge the pauper was unable to work. But how did the Act operate? Persons were put in the workhouse at a time when they were able to do a little; in the course of a few years their infirmity increased, so that they could do nothing, and they were thus brought within the provision of the Act; but after a confinement of perhaps seven, eight, or ten years, in which they had been immured in a workhouse, forgotten by their friends, they could hardly even wish to be turned loose; therefore, he would say that confinement, under such circumstances, was equivalent to a sentence of imprisonment for life; or, he would put the case of a person who in early life, whether from an accident or the impossibility of procuring employment, was unable to support himself. In that case, by the refusal of out-door relief, he was shut up in a workhouse without even the hope of being released. He was as little disposed as the noble Viscount to agitate the country, but he would assure the noble Viscount that the best way of avoiding agitation was, when a real grievance was pointed out, for Parliament immediately to apply itself to its redress, and it would be vain for the noble Viscount to talk of agitation so long as the grievance remained.

Motion agreed to.

HOUSE OF COMMONS,

Thursday, June 1, 1837.

PRIVILEGE.] The *Attorney-General* had petitions of great importance to present to the House. The first was a petition from John Hart Nicholls, who was a printer to the House, and had been employed in printing the votes and proceedings of the House for upwards of thirty years, without any action having been brought against him, until he had received a notice for printing a petition relative to one Thomas Green. A petition had been presented on the 14th March from Green. The House made an order upon that petition respecting the Greenwich railway, and a petition was subsequently presented denying certain charges made in the petition of Thomas Green. Since then the petitioner had received notice of an action for libel from the attorney of Thomas Green. The notice was signed Thomas Lond; and it declared that the petition was a libel against Thomas Green, and for which an action was to be brought against Mr. Nicholls. The second petition was from Mr. Hansard, in which it was stated that there was another action brought against him by Mr. Stockdale, alleging that there was a libel against him in publications printed by order of the House. This fact the petitioner thought it to be his duty to lay before the House, in order that the House might give him directions how to proceed, when an action was commenced against him for obeying the orders of the House. He concluded by moving, that the petitions should be printed with the votes, in order that a day might be appointed for their consideration.

COLONEL BRADLEY.] Mr. *T. Duncombe*, in rising to move for a Select Committee to inquire into the allegations contained in the petition presented from Colonel Bradley, on the 17th of February last, entered into a detail of the circumstances which, in the year 1818, induced Colonel Arthur, who was then Governor of Honduras, to place Colonel Bradley for several weeks under military arrest. The details have been so often reported, that it seems unnecessary to repeat them. The hon. Member proceeded to press upon the House the necessity of examining into the charges which he had brought against Colonel Arthur, on the testimony of Colonel Bradley—charges which accused him of gross cruelty and inhumanity towards the soldiers under his command, in the infliction of the ordinary military punishments. He had accused Colonel Arthur of having ordered a soldier, of the name of Ingram to be flogged by tap of drum. That accusation had been most indignantly denied: but he had since seen a merchant, now resident in London, who said, that he well recollected men being flogged at Honduras, by tap of drum, during the time that Colonel Arthur was governor of that colony. The same merchant had also told him, that he had received a letter from his correspondent at Belize, in which it was stated, that he had heard that there was a black man then living, who could testify to the same facts; and a drummer, who would however say nothing, unless he was taken home to England, and received something for his trouble. He contended, that Captain Willis had not denied the fact of the cruelty of the punishment inflicted on Ingram; all that Captain Willis had said was, that he had no recollection of it whatever. The hon. Member then proceeded to state, that the case of Ingram was not a solitary case. He could mention the case of a man of the name of Reeves, who had also been flogged by tap of drum by order of Colonel Arthur. On that case he could produce a letter from Colonel Arthur, to the commanding officer of the regiment, in which he desired that "the punishment might not be hurried, but might be most impressively inflicted." There was also another case of the same description, in which 700 lashes were ordered to be inflicted on a man of the name of Cooke, who ought to have been tried before a civil court for the theft which he had committed, but who was brought, by Colonel Arthur's order, before a court-martial. In that case, too, he could also produce, and would produce before a Committee of the House, a letter, in which Colonel Arthur said, that he was desirous that the punishment should be inflicted on Cooke in the most impressive manner. He could also produce an individual then in London, to prove that he saw Cooke flogged by tap of drum. 550 lashes out of the 700 to which Cooke was sentenced were inflicted upon him. As they were inflicted by tap of drum, the punishment took up a considerable time, and one thrill of horror pervaded the soldiers who witnessed it. It had been said that these accusations could not be true, because Colonel Arthur was a very temperate, and a very pious man. When he mentioned this to a gentleman who had resided for some time as a merchant at Honduras, the reply he got was somewhat extraordinary—"Colonel Arthur a temperate and pious man! you have been hoaxed. No person could have called him either one or the other, who did not mean a hoax;" and then to illustrate the temper and piety of Colonel Arthur, he mentioned an anecdote of that officer, which he (Mr. T. Duncombe) would briefly repeat to the House. It had long been the custom in the colony of Honduras to let the jury attach the sentence of the prisoner to their verdict. He was not called upon to defend the legality of the custom —all he had to state at present was, that the custom was of long standing. On one occasion, Colonel Arthur thought proper to remonstrate with the foreman of a jury against the continuance of this custom. Th juror contended that the custom had continued so long as to be now the law of the colony, and announced to the governor his determination of standing up as the champion of the custom. On being thus opposed by the juror, Colonel Arthur lost all command of his temper, and, drawing his sword, swore in open court an oath, which he declined to repeat, and said, "Sir, you may be the champion of the custom, but, by God, Sir, you shall not be the living champion of it long." In conclusion, the hon. Member said it was not yet too late to do justice. He called on the friends of Colonel Bradley to support this motion. He called on the friends of Colonel Arthur, whose character was involved in these charges, to support this motion for inquiry. He could not see how it could be opposed, unless it was determined, *per fas et nefas*, to screen Colonel Arthur from all investigation. He concluded by moving "That a Select Committee be appointed to inquire into the allegations contained in the petition of Thomas Bradley, esq., late Lieutenant-Colonel 2d West India regiment, presented the 17th of February last."

Viscount *Howick* felt it his duty to oppose the motion. He begged to say, that when Colonel Arthur presented a petition to that House, praying for inquiry, he (Colonel Arthur) did not know what course the Government was prepared to take re specting it. Colonel Arthur was sincerely and anxiously desirous that a Committee of Inquiry should be appointed. He applied not only to this House, but to the Commander-in-chief for inquiry. Having, however, carefully considered the whole question, he (Lord Howick) felt it to be his duty, for reasons which he would shortly explain to the House, to state that an inquiry ought not to be granted. The hon. Member for Finsbury called for inquiry into the circumstances under which Colonel Arthur claimed to exercise military authority at Honduras; and, secondly, he demanded inquiry into the manner in which Colonel Arthur exercised this authority, and into several cases of cruelty alleged to have been committed by Colonel Arthur. With respect to the first point, he would state very shortly his reasons for refusing a Committee, and they were, in his opinion, quite decisive The question had been already brought before a tribunal which was infinitely better capable of deciding it than a Committee of that House. Colonel Bradley had brought an action in the Court of King's Bench against Colonel Arthur for false imprisonment. In that action Colonel Bradley recovered damages to the amount of £100, on the ground that Colonel Arthur exercised a needless severity in the imprisonment; but the jury distinctly negatived the allegation that Colonel Arthur had wrongfully assumed the command. He thought that the jury had formed a mistaken opinion as to the amount of severity; but Colonel Bradley was so sensible of the effect of the verdict that he applied for a new trial on the express ground that Colonel Arthur was not entitled to assume the command, and the Court of King's Bench came to the decision that there was no ground for the statement of the assumption of the command being illegal, and they therefore refused the application for a new trial. The question having been thus decided, he, for one, would not consent to have the question raised in that House. The hon. Member for Finsbury called for an inquiry into the manner in which Colonel Arthur had exercised his authority, and said, that, if a Committee were granted he could prove the grossest and most horrible cases of cruelty which any officer, or man, or wretch in the human shape could have committed. He had two reasons for resisting the inquiry upon this ground. In the first place, as he hoped shortly to satisfy the House, he was prepared to disprove these alleged cases of cruelty; but besides this, he wished the House to consider that these alleged cruelties were stated to have taken place in various years from 1818 to 1820, and yet the very first syllable breathed about them was in the course of the debate on this subject last year. Was this to be tolerated? If they were to grant inquiries under such circumstances, such a course might be productive of the greatest cruelty and injustice to individuals, who, by the absence or death of witnesses through length of time, might be rendered unable to disprove a charge however false. It was provided by the Mutiny Act that no person could be tried by court-martial after the lapse of three years from the period of the alleged offence, unless it could be proved that some necessary impediment prevented an earlier trial; and even in that case no more than two years was allowed after the impediment was removed. This he thought was a just and a wise provision; and if it were not acted upon there would be no security for officers in his Majesty's service. But what was the evidence upon which these charges against Colonel Arthur were made? The only evidence with respect to the case of Ingram was hearsay evidence, namely, that a person heard a drummer and a black man say that they could tell something about the matter, but that they would not give their evidence unless they were paid for so doing. Was the House to grant a Committee upon such evidence as that? With respect to the punishment alleged to have been inflicted upon Ingram, he held in his hand the letter of the four surviving officers who were present, and they all distinctly stated that no such punishment as that described took place. They remembered the punishment of Ingram, and they all stated that it happened in the ordinary way. Their letters further proved that Colonel Arthur, instead of aggravating corporal punishment, frequently interfered to recommend that solitary confinement should be inflicted instead of the lash. In addition Captain Wllis stated, in his letter that Colonel Bradley himself complained, not of severity on the part of Colonel Arthur, but that Colonel Arthur was so lenient, so averse to the infliction of corporal punishment, that he endangered the discipline of the troops. With respect to the punishment of Ingram, he had also the testimony of three privates, and it was to the same effect. With regard to the punishment of Cook, and his being withdrawn from the civil power, lest the punishment might not be sufficiently severe, what were the facts? He held in his hand a letter addressed by the magistrates of Honduras to Colonel Arthur, in which they requested that the prisoner Cook should be tried before a general court-martial; which request they enforced by a statement to the effect that such was the mode hitherto resorted to on former occasions. This showed, so far from its being true that Colonel Arthur was desirous that this person should be brought to a court-martial, that in fact he unwillingly resorted to a mode of proceeding which, in the time of his predecessors, was always exercised. The real truth was, that Colonel Arthur, by the bold and unflinching manner in which he protected the rights of the slaves at Honduras, had incurred the hatred of certain persons, who had persevered in persecuting him from that hour, and who had not yet forgiven him. Colonel Arthur had complaints made to him that certain natives of India, who were by law entitled to their freedom, were nevertheless detained in slavery, and having these complaints brought before him, he took those measures which he felt it to be his duty to take, and which had procured for him the approbation of the Secretary of State at the time, namely, he asserted and obtained the freedom of these persons. This was the real origin of the persecution which Colonel Arthur had undergone; and he would ask the House whether, in defiance of the wholesome rule of the Mutiny Act—whether, to gratify the malice of the owners of these slaves, they would inflict the stigma which would be cast upon Colonel Arthur if this case were sent to a Committee? This was the case he had to lay before the House, and he felt that further explanation was unnecessary. He hoped that his hon. Friend the Member for Finsbury, now that he had the real facts of the case before him, would withdraw his motion.

Mr. *Hume* said, that undoubtedly if Colonel Bradley had taken the course stated by the noble Lord, that House ought not to listen to his demand for inquiry. But if, on the other hand, Colonel Bradley did report this very case to the Horse Guards at the time, and that his report received no attention, if that were the case it altered the matter altogether. It was a case of the grossest injustice. It was proved beyond all doubt that the case referred to by the noble Lord had been reported to the Horse Guards by Colonel Bradley at the time; but no notice was taken of it. He denied the statements made by the noble Lord with respect to the attempt alleged to have been made by Colonel Bradley to excite a mutiny. The noble Lord was quite misinformed as to the accuracy of this statement. He thought it very improper to remove Colonel Bradley without a court-martial. Colonel Bradley himself courted inquiry, and on his return to this country brought an action against Colonel Arthur in which he obtained a verdict. Inquiry now could not be instituted anywhere but in that House, and he thought that the House should not refuse to go into the case.

Sir *H. Hardinge* said, that, having already heard the hon. Member for Middlesex state this very case six or seven times, and having himself had on several of those occasions to reply to it, he should say a very few words on the present occasion, particularly after the very clear and straightforward statement which they had just heard from the noble Lord the Secretary at War. Upon looking into the whole of the evidence in this case, he felt felt bound to declare that, in his opinion, there was not a shadow of foundation for the charges against Colonel Arthur.

Colonel *Thompson* said, he should feel obliged by being told from any quarter, if he was labouring under any strong hallucination, or had the appearance of being in any of those states of body or mind which make men see double or see half; for he assuredly had believed he heard one or more public letters read with Colonel Arthur's own signature, in which that officer directed that a military punishment "might not be hurried, but most impressively inflicted." If he had heard aright, he wanted to know if there was an army man in the House or elsewhere, who would lift up his hand and say that he had the slightest doubt, the smallest approximation to unbelief, that these expressions were meant to direct that the punishment should be administered in an unusual and exaggerated manner. Great professions had been made from the other side of the House of the necessity of inquiry, if a shadow of probability could be given to the facts asserted. Well, here were the letters of the officer who directed the facts; of course then inquiry would be granted as proposed. As to the general case of Colonel Bradley, he had long toiled to satisfy a laudable curiosity why Colonel Bradley had been dismissed the army, and the only cause he could arrive at was, that he had been dismissed for not surrendering his command to an officer who could and did produce no visible reason why the command should be surrendered to him. If this was to be the rule, let it be explained to all ranks, from the colonel downwards, let it be inculcated on each of them, that he was to surrender his command to anybody that asked for it, whether he showed any authority or not. But at all events let there be the inquiry which all parties professed themselves so zealous for. Here were the officers concerned, both begging for an inquiry; why refuse them a little inquiry when they asked it, and send them abroad upon the world as men who had been praying upon their knees to the Government for inquiry and could not get it.

The House divided:—Ayes 34; Noes 81: Majority 47.

List of the AYES.

Attwood, T.
Beauclerk, Major
Bowring, Dr.
Brotherton, J.
Browne, R. D.
Crawford, W. S.
Curteis, H. B.
D'Eyncourt, C. T.
Elphinstone, H.
Ewart, W.
Fielden, J.
Gillon, W. D.
Grattan, Henry
Grote, G.
Hector, C. J.
Hindley, C.
Hume, J.
Lushington, Dr. S.
O'Connell, D.
O'Connell, J.

O'Connell, M. J.
O'Connell, Morgan
Palmer, General C.
Pryme, George
Richards, John
Scholefield, J.
Stuart, Lord D.
Strickland, Sir G.
Thompson, Colonel
Vigors, N. A.
Wallace, Robert
Williams, W. A.
Williams, Sir J.
Wood, Alderman

TELLERS.
Duncombe, T.
Wakley, T.

List of the Noes.

Adam, Sir C.
Baillie, H. D.
Balfour, T.
Barnard, Edward G.
Beckett, Sir J.
Bethell, Richard
Bewes, T.
Blackstone, W. S.
Bolling, Wm.
Borthwick, Peter
Bulwer, E. L.
Campbell, Sir J.
Chapman, Aaron
Clerk, Sir G.
Cole, Visct.
Collier, John
Crawley, S.
Dalbiac, Sir C.
Dick, Q.
Donkin, Sir R. S.
Duffield, Thomas
Dundas, hon. T.
Elley, Sir J.
Fector, John Minet
Feilden, William
Ferguson, Sir R. A.
Ferguson, R. C.
Forbes, Wm.
Fremantle, Sir T. W.
Gordon, Robert
Goulburn, H.
Graham, Sir J.
Grey, Sir G.
Hamilton, Geo. Alex.
Hardinge, Sir H.
Hawes, B.
Hay, Sir A. L., bart.
Hinde, J. H.
Howard, P. H.
Howick, Viscount
Irton, Samuel
Johnstone, Sir J.
Jones, Wilson
Kerrison, Sir Edwd.
Mangles, J.
Martin, J.
Melgund, Visct.
Miles, William
Morpeth, Visct.
Mostyn, hon. E.
Murray, right hon. J.
Nicholl, J.
O'Brien, W. S.
Palmer, George
Parker, M. E.
Parker, J.
Pelham, John C.
Pendarves, E. W.
Poulter, John Sayer
Pusey, P.
Richards, R.
Rickford, William
Robinson, G. R.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Russell, Lord John
Scott, Sir E. D.
Stanley, E. J.
Stanley, Lord
Steuart, R.
Thornley, T.
Trevor, hon. A.
Vere, Sir C. B.
Vernon, Granville H.
Vivian, John Ennis
Westenra, hon. H. R.
Weyland, Major
Wilmot, Sir J. E.
Young, G. F.
Young, Sir W.

TELLERS.
Maule, hon. F.
Ward, H. G.

National Education.] Mr. *Borthwick* moved for leave to bring in a Bill to establish a system of national education connected with the Established Church, and so constituted that, without offending any man's conscience, instruction might be afforded to all classes of his Majesty's subjects.

Mr. *A. Trevor* seconded the motion, because he thought such a system would work beneficially for the poorer classes of the community.

The *Speaker* said, if the money was to be paid out of the Consolidated Fund, it would be more convenient to follow the usual practice, and move resolutions in Committee.

Mr. *Borthwick* said, if such was the usual practice, he would be ready to act according to it; but what he simply wanted was to obtain leave to bring in a Bill, in order that he might ascertain the intentions of his Majesty's Ministers on the subject. When the Bill went into Committee he would propose resolutions for a grant of money, and proceed accordingly.

The *Speaker* did not mean to say, that it was absolutely necessary to propose resolutions in Committee before leave was given to bring in a Bill; but as a proposition for a grant of money must be made in Committee, it would be better to follow the usual practice.

Mr. Law moved the adjournment of the House.

The House divided:—Ayes 36; Noes 34: Majority 2.

House adjourned.

HOUSE OF LORDS,

Tuesday, June 2, 1837.

Minutes.] Bills. Read a third time:—Recorders Court.

Petitions presented. By the Marquess of Camden, Lord Feversham, and the Bishop of Gloucester, from various places, against the abolition of Church-rates.—By the Earl of Albemarle, the Earl of Burlington, and Lord Brougham, from various places, for the abolition of Church-rates.

Privileges—The Commons.] Lord *Denman* gave notice, that he should feel it his duty on Tuesday next to draw the attention of the House to certain resolutions, touching the privileges of Parliament, which had been agreed to in another place.

Lord *Ellenborough* would humbly suggest to the noble and learned Lord to consider maturely the expediency of bringing forward the subject of which he had given notice. He (Lord Ellenborough) confessed that he saw great difficulty and inconvenience in their Lordships adverting to those resolutions of the House of Commons, which need not be brought before their Lordships for the purpose of their giving an opinion on them.

Lord *Denman* assured the noble Lord that he had given the most mature deliberation to the matter, and, filling the situation which he had the honour to hold, he thought he should be deserting his duty, both as one of his Majesty's judges and as a peer of Parliament, if he did not bring this matter under their Lordships' consideration.

Adjourned.

HOUSE OF COMMONS,

Friday, June 2, 1837.

Minutes.] Bills. Read a third time:—East India Officers, Salary.

Petitions presented. By Mr. H. Goring, Mr. Codrington, Mr. C. Barclay, and Sir C. Knightley, from various places, against the Ministerial plan for the abolition of Church-rates.—By Mr. Wilks, Colonel G. Langton, Mr. Ord, Dr. Bowring, Mr. Potter, and other hon. Members, from various places, praying for the abolition of Church-rates.—By Mr. Halford, from Leicester, praying that the County-rates should be placed under the management of persons elected by the rate-payers.—By Lord C. Manners, from Loughborough, complaining of the Poor-law Commissioners for not erecting the workhouse in Loughborough.—By Captain Polhill, from the coroner of the county of Bedford, complaining of inadequate remuneration.—By Mr. C. Berkeley, from the Board of Guardians of the Cheltenham Union, complaining of the present mode of rating small tenements.—By Mr. H. Wilson, from Suffolk, against the present system of rating cottages under the New Poor-law Act.—By Mr. T. Duncombe, from Knaresborough, for Household Suffrage.—By Sir O. Mosley, from a place in Staffordshire, for the better Observance of the Sabbath.—By Mr. Brocklehurst, from Macclesfield, for a revision of the Poor-law Amendment Act.—By Mr. W. Barron, from St. John's, Newfoundland, complaining of the conduct of certain functionaries of that Island; and from places in Ireland, praying for the abolition of Tithes; and for Corporate Reform; and also, expressing confidence in the present Government.—By the Attorney-General, from the president, vice-president, and council of the Royal College of Surgeons in London, against that part of the Poor-law Amendment Bill relating to medical attendance on the poor.—By Sir T. Fremantle, from the borough of Buckingham, in favour of the Better Observance of the Sabbath.

Adjournment — The Budget— State of the Country.] Lord J. Russell moved that the House at its rising do adjourn till Monday next.

Sir *G. Sinclair* could not help expressing his surprise that no day had as yet been fixed for the discussion of the Budget. He regretted this, certainly, in the first place, because every man at this moment was extremely desirous of ascertaining, and very justly so, what were the prospects of the country, and what were the financial plans of the Ministry for the current year; and secondly, because a discussion on that subject would afford those Members who were connected with the manufacturing and commercial interests of the country an opportunity of submitting to the House their opinion as to the causes of the distress that was at present prevailing in the manufacturing districts, and of pointing out the extent to which that distress had gone, and the remedies it might be necessary to have recourse to in order to prevent its extending still further. He did not pretend to possess any peculiar sources of information, but from all he could learn, he thought that there was never a period in the history of this country when embarrassment, discontent, and a dread of the consequences more universally prevailed among all classes of the Legislature. Large houses were continually failing, and merchants were unable to dispose of their stocks. He had every reason to expect that most serious calamities would ensue. He believed that there never was a period when the country was more dissatisfied with the conduct of that House, and for his own part he was convinced that unless vigorous measures were adopted by the country and by Parliament, it would be impossible to foresee to what extent the evils which now afflicted us might be carried. He felt sure, that if they continued in a state of lethargy and supineness, before many months were over we should be in danger of a national bankruptcy. We must have recourse to another Bank Restriction Act, or the issuing of 1*l.* notes, or the making silver a legal tender to the amount of 20*l.* or 30*l.*, or some other measures, or the national credit would be overwhelmed. He therefore respectfully, but firmly, called on his Majesty's Ministers to fix some early day for the Budget, in order that these subjects might be fully and fairly discussed.

Lord *J. Russell* was prepared to contend, whenever the question was regularly brought forward, and when notice of such a discussion had been given, which it seemed was no longer to be the practice of that House, that his right hon. Friend had exercised a sound discretion in postponing the consideration of the Budget for the present. He should be prepared also to contend, that if any Member influenced by motives less pure and patriotic than those by which the hon. Gentleman was known to be actuated had wished to excite alarm and increase the present embarrassment by throwing out hints of future misfortunes and discontents, he would take the same course which the hon. Gentleman, with perfectly innocent motives, had adopted. His opinion certainly was, that the questions to which the hon. Gentleman had alluded were questions of very great importance; at the same time he must say, that the embarrassments at present prevailing were not to be compared with those which existed in the country in 1826. He protested against hon. Gentlemen coming down to the House to throw out expectations and hints that the country was going to suffer some very great calamity, to sow distrust, to sow dissatisfaction, and to take the chance that something might arise to promote views which he would not characterise by throwing out those hints.

Mr. *Richards* with the greatest possible deference to the noble Lord, must say, that the public was most earnestly anxious that the House should institute an inquiry into the state of the country. Night after night, and day after day, they went on discussing questions of no moment at all, and if the House would not attend to matters of pressing interests and real importance, they had better vacate their functions at once. When the merchants and manufacturers of this country were in a state of the greatest distress, when the present was full of difficulty and danger, and the future of alarm, he must say, that it was too much for the noble Lord to get up and rebuke the hon. Baronet for having expressed a wish that the budget should be brought forward on an early day, although his question might imply that the Government had not acted as it ought to have done. For his own part, he felt that the Government had not done its duty.

Mr. *Robinson* did not participate in the apprehensions entertained by his hon. Friend behind him (Mr. Richards), but at the same time he must say, that unless the Chancellor of the Exchequer had some reason for deferring his budget, it was desirable that they should have as early an exposition as possible of the intentions of the Government with respect to the public revenue and the public expenditure. He quite agreed with his hon. Friend in thinking that they wasted a great deal of time in the most useless and unprofitable manner, and he thought that if the noble Lord and the Government could give a more lofty tone and a better direction to the feelings of the House with respect to the business brought under its consideration, it would tend to raise the character of the House, not, he was afraid, standing very high at the present moment.

The conversation dropped, and the motion to adjourn at rising to Monday was agreed to.

THE VIXEN.] Mr. *Roebuck* begged to ask the noble Lord the Secretary for Foreign Affairs whether our negotiations with the Russian Court respecting the seizure of the Vixen had ended, and if so, whether any answer had been sent to the owners of that vessel; and again, if so, whether there would be any objection on the part of the Government to produce copies of the despatches and correspondence which had taken place between the two Governments with one another, and with the owners, together with the opinion of the law-officers of the Crown?

Viscount *Palmerston* had to state, in answer to the questions put to him by the hon. and learned Member, that the negotiations between the two Governments on the subject of the seizure of the Vixen had ended. The result of those negotiations had been communicated to the owners, and that communication was, that upon a full consideration of the circumstances of the case, his Majesty's Government did not think themselves justified in making any further demand upon the Russian Government. He had no objection whatever to the production of the correspondence referred to, as it was extremely proper that it should be laid before Parliament; but with regard to the opinion of the King's Advocate, he was sure that hon. Members, especially hon. and learned Members, would see that he could not comply with the hon. and learned Member's wishes. The opinions of the law-officers of the Crown were always given confidentially. He must, therefore, object to that part of the motion.

POOR-LAW (IRELAND).] The House went into Committee on the Poor-law (Ireland) Bill.

Mr. *Barron* proposed, after the words "hire any land," to omit the words "not exceeding twelve acres imperial measure,' from the 36th Clause.

Lord *J. Russell* would not insist upon those words being retained in the clause.

Mr. *O'Connell* suggested, that there should be some limitation fixed in the clause as to the number of acres which the Commissioners might hire for each workhouse.

Mr. *Lynch* agreed with his hon. and learned Friend the Member for Kilkenny, and thought that the limitation should be fixed at fifty acres.

Mr. *S. O'Brien* thought, that the Commissioners ought to have a discretionary power to fix the number of acres to be hired by each workhouse.

Mr. *Lennard* would not object to a discretionary power in the Commissioners as to the number of acres to be employed in cultivation by the inmates of each workhouse, provided that a limit was put so that they should not exceed twenty acres.

Mr. *Hume* hoped that the noble Lord would reconsider the subject, and not adopt the suggestion of employing the poor in the cultivation of land. He had seen experiments of that kind tried in Holland, and in every case in which money had been advanced by the government for the purpose of such experiment; the moment the money so advanced was expended the experiment failed.

Mr. *Poulett Scrope* did not see how, in a country so agricultural as Ireland, the poor could be employed except on land. He would not limit the power of the Commissioners to the purchase of less than 100 acres.

Captain *Jones* said, that the amendment would be useless, for there was no provision in the clause to compel paupers to work on the land, or any where except in the workhouse. Instead, therefore, of giving large tracts of land to be cultivated by pauper labour, he should feel disposed to limit the number of acres to much less than those proposed in the Bill.

Mr. *Barron* said, that his proposition had been altogether misunderstood. His object was, that the men in the workhouse who were able to work should be employed in some useful labour, rather than be supported in idleness. He did not mean to assert that the labour of such men would be as valuable as that of men out of the workhouse. All he contended for was, that power should be given to the Commissioners and guardians to employ the able-bodied paupers who might from time to time be in the workhouse. He urged this as an experiment, which might be tried on a small scale, and if it did not succeed it could easily be given up. His great object was to prevent those vicious habits which must be engendered amongst men who were supported in idleness.

Mr. *S. Crawford* said, the only Poor-law which could be efficient for the relief of the Irish poor, would be that which would so re-act on the landlords, as to make it their interest to employ the poor. The workhouse system, as it was proposed in this Bill, would fail of that object. Why should the hands of the Commissioners and the guardians be tied up from giving relief to the poor out of the workhouse? If the workhouse was to be the sole relief to the Irish poor, then it would be necessary to increase the amount of land to be put into cultivation, connected with the workhouse; but if relief were given out of the workhouse, then the land would not be necessary.

Lord *J. Russell* said, it was now evident that a greater number of Members favoured the plan of having no land at all attached to the workhouses, than the proposition by which a large portion might be assigned for that purpose at the discretion of the Commissioners. He confessed that, for his part, he should feel better satisfied to let the clause remain as it was.

The Committee divided on the amendment:—Ayes 3; Noes 71: Majority 68.

Mr. *Richards* thought it would be a great and material improvement on the present measure, if it contained a provision assigning a district of eight miles square as the space within which the jurisdiction of such workhouse was to take effect; he should also propose, that no able-bodied person be received in such workhouse as a lodger. Amongst the grounds upon which he objected to the application of the workhouse system to Ireland, was this—that if once the poor of that country obtained the advantage of decent beds, of sufficient shelter from the inclemency of the weather, of food in moderate quantity, and of the other accommodations which even the workhouse supplied, there would be no possibility of inducing them to keep away from those asylums. If they received persons into their workhouses as lodgers, they must provide them with sufficient apartments, with beds, and with all things belonging to lodging rooms. Now, according to the plan which he proposed, the workhouses would be open all day and merely closed at night, the parties applying for relief there going home at the end of each day, and being at liberty to return, if necessary, on the following morning. His plan had the advantage of cheapness, and it was quite obvious that the poor would leave the workhouse as soon as they could get employment elsewhere. The Mendicity Society kept their house open all day, and kept those who came to them at work; at night they gave them a penny each towards providing a lodging, and dismissed them till the day following. That institution, as the House must be aware, was maintained by voluntary contributions from persons occupying 2,000 out of the 11,500 rated-houses in the city of Dublin. The Mendicity Society in that metropolis, had done much service; and yet no rate was levied for its support. At an expense of 9,000*l.* a-year, the population of Dublin, being 240,000 persons, was preserved from the evils of mendicity; according to the same rate, the whole of Ireland might be relieved at an annual expense of 300,000*l.*; and yet the hon. and learned Member for Kilkenny had computed that five times that amount—namely, a million and a-half—was annually given in mere alms. The hon. Gentleman concluded, by proposing, as the first part of his amendment to the clause, that after the word "thereon," in line 40, be inserted the following words—"Provided always, that one of every such workhouses that shall be erected, shall, in country places, be provided in every eight miles square."

Mr. *O'Connell* said, that the amount of the subsisting subscriptions in aid of pauperism in Ireland, appeared to be underrated; and that this was a subject of which hon. Members should not lose sight. The population of Dublin amounted to 240,000, and it was quite a mistaken notion to suppose, that its pauperism could be disposed of by levying rates to the amount of 9,000*l.* a-year. It was true, that the sum subscribed in aid of the funds of the Mendicity Institution last year, was no more than 6,000*l.*; but he (Mr. O'Connell) was ready to show, that the entire amount subscribed during that year to the relief of the poor of Dublin, was not a farthing short of 105,000*l.* Of this amount, there was upwards of 29,000*l.* contributed in the shape of private subscriptions; and 44,000*l.* by Act of Parliament. So that, during the past year, there was upwards of 70,000*l.* subscribed in this way, independently of the various parochial funds which were raised for the relief of the poor in the Dissenting as well as in the Established Church.

Amendment withdrawn.

Clause agreed to; also the several Clauses as far as 41 inclusive.

On Clause 42,

Mr. *S. O'Brien* moved an amendment, namely, to insert at the end, these words:—"That until such workhouses shall be erected, or in cases where they shall be found to be insufficient for the purposes required, it shall be lawful for the guardians, under the control of the Commissioners, to make such other provisions out of the rates as they shall think fit."

Mr. *Lynch* opposed the amendment, and contended that the beneficial effects of the working of the English Poor-law Amendment Act, by the abolition of out-door relief, ought to warn Irish Members from adopting, as this amendment proposed, a principle which had been productive of so much evil in this country.

Mr. *H. G. Ward* admitted, that the system of indiscriminate out-door relief had been the cause of all the evils which the country had felt in respect to the administration of the Poor-laws; but he denied, that the state of Ireland was such as to admit of the workhouse system of relief alone. There was no analogy between the condition of the population of this country and the population of Ireland. Though the extent of destitution had, he admitted, been greatly exaggerated in the reports, still there was such an amount of destitution now as to make the relief proposed by this Bill wholly insufficient. Even admit 80,000 persons into the workhouses as proposed, and yet it would be totally incompetent for the relief of Ireland, and, therefore, whatever might be his objections theoretically to out-door relief in this country, still he could not see why any person could refuse to admit, that out-door relief ought to be introduced into Ireland. He had but little hope of any efficient system of Poor-laws being established in Ireland, until means were first taken to make the proportion of employment more equal to the extent of the population.

Mr. *Wakley* observed, that English Members who attempted to speak on this question were met by the cry "Oh! you know nothing of Ireland; you have not been there." If they alluded to the English Poor-laws, they were told that those laws were not applicable to Ireland. If they talked of the question of out-door relief in the abstract, they were advised not to trouble the House with abstract questions. He was ready to support the amendment, but he complained that it did not go far enough. Every impartial person who had investigated the matter, must be thoroughly convinced that it would be impossible to maintain a system for any length of time which denied all out-door relief to the poor. Even the right hon. Baronet, the Member for Cumberland, who was wedded to the new system, would not go so far as that. He knew that it would be said, as it had been said before, that out-door relief would be given in some cases. But would out-door relief be given to the able-bodied poor? Was not the very principle of the new measure this—that no relief should be given out of the workhouse? It was so; and yet he believed there was scarcely an hon. Member in the House who would contend for the rigid enforcement of that principle, because they would consent, for instance, to the allowance of medical relief, as in the case of a labouring man who meets with an accident. He could not but regard the present measure as delusive. The people of Ireland had no law of settlement, and it was now proposed that they should have no out-door relief; in fact, the Bill gave no right of relief, and therefore it was nothing but a mockery, although it was dignified by the false title of a Bill for the relief of the poor in Ireland.

Mr. *Sheil* thought it would be dangerous to admit, in the first instance, the principle of out-door relief. Why should they, by adopting this amendment, at once plunge into extremes, from which it would be impossible after to retrace their steps? Let them begin by a judicious system of in-door relief as proposed by Government, and if that were not found efficacious, in the course of two or three years they might have recourse to some further measures.

Lord *John Russell* thought there was something in the proposition which had been calculated to excite considerable alarm. It should be considered, indeed it could not well be denied, that this Bill was only an experiment. The subject of Poor-law legislation was altogether new in Ireland, the whole constitution of the boards was altogether unknown; and the question was, how could they give that discretion in affording relief which had been suggested? It was proposed to give them the power of administering to any extent, under the orders of the Commissioners, out-door relief; and he, for one, could not help thinking there would be very great danger in such a state of things. The board of guardians would not be able to exercise any sound discretion; they would be forced into measures, even against their own opinions, which would lead to very alarming consequences. Let hon. Members reflect on the alarming amount of destitution in Ireland. It was difficult, if not impossible, to form any adequate or correct estimation of it. The Commissioners, however, had estimated the number of the destitute at no less than 2,300,000; and if out-door relief were given, it would be impossible to find means sufficient to relieve those who would apply. The proposition of the hon. Member for Limerick went to assert an absolute right to relief in every inhabitant of Ireland; it asserted a right to relief not only in those immediately claiming it, but bound them to recognize the right in those paupers to marry and impose the burden of supporting their families from generation to generation on the property of the country. They never could refuse relief to any one of them, if that relief were to be considered as an absolute right. The effect of affirming such a principle would be to transfer the right of property from those who now possessed it to the paupers of Ireland. He could not lend his sanction to that principle. In his opinion, they were bound to look to the mode of making an experiment on this subject, as the right hon. Baronet, the Member of Tamworth had suggested on a former occasion, in the safest and most cautious manner; and if the amendment were adopted, giving the guardians the power of administering indiscriminate out-door relief, the experiment would be fraught with the utmost peril, and they would soon be obliged to retrace their steps, and repeal the Bill altogether.

Mr. *O'Connell* felt very much inclined to move that the Chairman report progress and ask leave to sit again, for this most important point had not been sufficiently discussed. He had listened to the noble Lord (Lord J. Russel) with the most painful anxiety, and he must say, he had used no argument to induce the Committee to agree to the clause as it now stood. He should vote for the amendment of his hon. Friend, the Member for Limerick, looking to the state of Ireland as most likely to serve the purposes of benevolence, and the cause of peace and social order in that country. They did not require workhouses or imprisonment to stimulate the Irish to work, they were eager to obtain it. This Bill, which was supported by English Members with the view of tranquillizing Ireland, so far from producing order and tranquillity, would increase irritation and agrarian disturbance. Would it console the people to imprison them in a workhouse? If so, let them have enough of it, and instead of 100, let them at once build 600 workhouses? A million of money was now distributed in charity among the poor of Ireland; this Bill would put a stop to all voluntary charity, and thereby aggravate the evils complained of. There would either be increased irritation, and an additional cause of agrarian disturbance, or confiscation of property, if, abolishing private charity, they did not substitute compulsory relief to a sufficient extent. It was admitted they must come to that by and by; but the great danger was in the transition. He complained that this Bill had been introduced without the slightest communication with any Irish Member. The amendment was a most proper one; it left the execution of the law under the Commissioners and Guardians, and only enabled them to go beyond the prison house to meet the exigencies of want. Without this relaxation of the principle of the Bill, it would produce greater evils than at present existed.

The Committee divided.

On the amendment: Ayes 50: Noes 138: Majority 88.

House resumed. Committee to sit again on Monday.

HOUSE OF LORDS,

Monday, June 5, 1837.

MINUTES.] Bills. Read a first time:—Postage Duties.
Petitions presented. By the Earls of VERULAM and WARWICK, from various places, against the abolition, and by Lord BROUGHAM, from Reading, for the abolition, of Church-rates; and from Dumbarton, for Scotch Municipal Corporations Bill.—By the Bishop of CHESTER, from parishes in Westmoreland, against the abolition of Church-rates; and from Worcester, for the better Observance of the Sabbath.—By Lord PORTMAN, from various places, for the abolition of Church-rates.

BUSINESS OF PARLIAMENT.] Lord *Brougham* rose to call the attention of their Lordships to what, in his mind, and no doubt in theirs also, however they might differ upon other matters, was to be regarded as of paramount importance—he meant the state of business in that House; and, as connected with the business in that House, also to the state of business in the other House of Parliament, to which they were chiefly, if not entirely, to ascribe it—but if not entirely, then there could be traced in what he read of the records of the other House, the mischiefs that they complained of in their Lordships' House. The first mischief was that which might be stated in a single sentence—they had been sitting there between four and five months, and had been doing little or nothing. They had passed one Bill, which had given rise to considerable discussion on one or two particular points, but which, now that it was passed, was identically the same Bill that had been adopted by a Committee of their Lordships House, and which had been fully discussed two years ago. That Bill had been introduced by the Master of the Rolls. They had four or five alterations made in the measure. He had taken occasion at the time, to express his doubts as to these alterations at the time of their discussion. The Bill, however, left the House in all its substantial particulars identically the same with the measures that had left the Committee two years ago. He could not then, congratulate their Lordships on the subject of that Bill either in this or the last Session. Then there was another Bill—the Municipal Corporation Bill—a measure of very great importance, one that had undergone, he would not say two Sessions ago, but last Session, very severe scrutiny in a Committee of their Lordships. But, with the exception of these two Bills, had any one thing been done this Session? There was, in fact, absolutely nothing, with the exception of their agreement to the resolutions respecting the province of Canada. Upon those resolutions, their Lordships were unanimous in agreeing with the other House; their agreement being, as Bayes says, "when they do agree, it is wonderful." The measures came from the other House of Parliament at, as in 1835, so late a period, that it was almost impossible to pay attention to them. In three or four weeks, when the month of July had come, the whole of the business would be thrown upon them, and which, to be fairly done and deliberately considered, and efficiently accomplished, ought to be spread over the whole of the seven months. At that time he felt it his duty to complain of and lament the course that had been adopted by the majority of their Lordships; but he should be wanting in common candour, if he was, during the present Session, to state that the blame rested with the majority of their Lordships. He must confess, however, at the same time, that he looked with fear and trembling to the course which their Lordships might be induced to pursue with respect to some of those measures which would be brought before their Lordships; but he should be guilty of a gross breach of candour if he was not at once to admit that if their Lordships were to take the course which it was generally understood they intended to take—if they postponed their decision upon the measures which might come from the House of Commons in the course of the next six weeks or two months—he should be doing injustice to their Lordships if he did not at once admit that the fault was not at the door of their Lordships, but at other doors. He could understand the doctrine of those who said it would be better if our constitution were differently moulded, and that there should be but one legislative assembly—although they might be wrong, yet they held that opinion consistently. They said, let us have no more House of Lords —that he could understand. He could understand, though not so clearly, because it had never been stated so distinctly, the proposition of those who said, the present House of Lords, as now constituted, was ill adapted to exercise its legislative functions, and therefore that its constitution should be reformed and altered. They might hold that doctrine erroneously, but they also held it consistently compared with those who said there ought to be a House of Lords, who said they were satisfied with the present constitution of the House of Lords, who said a second House of Parliament, to revise the proceedings of the other House, and to originate proceedings of itself, was a necessary part of the constitution, and if not absolutely necessary, was highly expedient; and who, nevertheless, admitting that and resting their faith on that doctrine, took such precautions as made it absolutely—he was going to say physically—impossible that that other House of Parliament should exercise any one of those functions which they say are, as the law now stands, its just and lawful attributes; because, to crowd into three or four weeks, the measures which ought to take three or four months, at least, for the purpose of having them so understood that they might be fairly discussed and to be so discussed that they might safely be passed into laws by the machinery of that constitution of which those persons admitted the just force, and admitted the expediency, and at all events admitted the present lawful existence of whatever, in point of consistency, might be the conduct of the proceedings of the other class of reasoners to whom he had referred, theirs was utterly and hopelessly inconsistent. Having said so much of the evils, he would now entreat them to look at what might be considered as the source from which those evils arose; and neither in what he had said, nor in what he was about to state, did he take upon himself to throw blame upon any quarter whatever. He had no right, far be it from him to wish he had a right, to attribute this delay to the proceedings of the other co-ordinate branch of the legislature, for which, as representing the people of this country, he had, now did, and ever should entertain the most profound respect ,a respect which he trusted he should share with the majority of those whom he had the honour to address. He wished to throw no blame whatever on the conduct of any individual Members, and the only means he had of knowing the proceedings of the other House were those which they had themselves enabled him to possess—namely, the printed votes which they had published. He ascribed no blame whatever to his noble Friend near him, at the head of his Majesty's Government. He might regret, perhaps, that Ministers had not originated some Bills in their Lordships' House. No doubt they had sufficient reasons for not doing so; and, therefore, although he expressed his regret that those Bills which might have been brought in there had been allowed to proceed first elsewhere, he threw no blame on them. Without attempting to assign reasons or motives to any person he thought he had a right to state to their Lordships what appeared to him to be one or two of the prevailing causes of that obstruction to the business of Parliament. First, one cause might be said to be certain privileges of the other House of Parliament, in respect of money bills and money clauses, which prevented the introduction into their Lordships' House of many measures, which were either money bills, or were so mixed up with bills of that description, that it had been found inconsistent with the exclusive privileges of the other House to which allusion was made on the Dublin Police Bill—some nights ago, to originate those measures in their Lordships' House, the consequence of which was, that a vast proportion of those bills were admitted not to be within the originating jurisdiction of their Lordships House; but only receivable there after passing the other House of Parliament. At one time, it was supposed that these privileges extended much further, and that a Bill, in which penalties were introduced, could not originate in that House. The inconvenience had been long submitted to; but so much of the mischief of which they were now complaining, namely, the postponement of the business of the House during the first two months of the Session had taken place, that it was found necessary to bring the subject forward in the other House, and his right hon. Friend, the Member for Montgomeryshire, had brought forward and carried a series of resolutions which enabled them to originate bills of that nature in the House of Lords. Now, that privilege might be extended a good deal without intending to interfere with what was exclusively the right of the House of Commons, namely, that of levying taxes upon the people, and bringing forward money bills. Without infringing upon that, he could not help thinking that some relaxation might be made in the rules which would be attended with the best consequences to the public, would tend to the convenience of legislation in both Houses, and would spread the business of that House more equally over the Session. There was a second cause, to which he had only adverted very generally, that was the right of parties to exercise their own choice in introducing bills into one House rather than the other. This was a point that could not be made matter of regulation; and he only threw out this observation by way of suggestion to the parties, as it would tend to expedite measures. He must say, that the general complaint now was, that the whole business was postponed to the end of the Session. There was a very great indisposition to begin, and the consequence was, that during the first part of the Session, little or nothing was done, and during the latter part there was a good deal too much done for the time left to do it in. His observation was not meant to apply to the present Government or the last—to that House of Lords or the preceding one; the system was at fault, and individuals ought not to be blamed for it. There was another thing to be considered in connexion with that subject, and one which he considered it was not impossible to provide a remedy for—he alluded to what was called the private business of Parliament, the mass of which had been increasing of late years, (although not so much as some would suppose) but which had been a very great burthen to the Houses of Parliament, and a great obstruction to legislation on public measures. Let them only see in what position the other House was placed, where Members were occupied the whole morning attending private bills—when, at one time, in their Lordships' House, ten or twelve Committees were sitting, and in the other from twenty to thirty at one and the same time—when the Members were obliged to attend these Committees, from the middle of the day to the sitting of this House—when many of them were harassed even before their attendance began by private communications with the parties interested, or with their own constituents. Even if they had no private business, or domestic concerns to attend to, their whole mornings were occupied in that way. Let their Lordships only consider what the state of Members of the other House must be, and how ill calculated they were to discharge their public duties, and nothing could be more likely than that these hon. Members should be wanting in their attendance, when it was necessary to keep the House together. It was not, then, to be wondered at—he only argued probabilities—if the result of that fatigue was, that the House did not sit, not being able to make one at four o'clock, and that Houses were not made for one or two days during each week; and if, after they had sat for an hour or two, they were counted out, it being found, in the course of the evening in consequence of the fatigue to which he had alluded, that it was more expedient to adjourn it than to go on, although there were thirty or forty orders and seventy or eighty notices which crowded the books; for that they were overwhelmed with this amount of public and private business their Lordships had only, in order to satisfy themselves, to look to the records of the House. Thus, with seventy-one notices upon subjects given on the first night of the Session, upon subjects, many of them of the highest importance to the interests of the nation, and of mankind, and others of minor import, and those had been increased to one hundred in the first week of its sitting, and, if he might venture to say, a very moderate per centage indeed of those had been disposed of, although they had been for four or five months upon the books. A very moderate per centage of them had even gone beyond the embryo state of notices in the first stage of their existence. Oppressed, then, as the other House was, with a heavy amount of business, and incapable, for the reasons he had already given, to sit for the purpose of expediting it—he would not say to get through it—but incapable of making even a serious impression on it, the other House was in the state to which he referred—a state in which their Lordships' House would also be from the same causes, if they were compelled to attend to private business during the morning, and if they had the same number of notices and orders to do with, which happily they had not, although it was a set off against the other evil, that of there being no business to be done in their Lordships' House for four or five months. Much of the business to which he alluded, was private business, but was, nevertheless, of great importance; not as of paramount import as public business could be, yet it was of great importance to the parties concerned; and thus the other House disposed in a Session of a greater amount of property, and of a greater amount of questions of private interest, than all the courts of law and equity in a year. No doubt those questions were of great importance to those concerned, and on reference to the amount of them which had been dealt with he found that in the course of the last five years, exclusive of the present, the average of local bills—for he meant to include local public bills in the list of private acts—that the average passed was 161 each year, there having been not less than ninety-one passed during the last year. That was the amount of private legislation, which was, of course, a serious burthen upon both Houses of Parliament, from the obstruction to other business, which it caused, and, above all, from the unsatisfactory manner in which it was done and in which it must continue to be done so long as the present system was pursued, when the number of folio pages devoted to private legislation — of acts passed within the last two Sessions— was upwards of nine thousand. During the last six years and a-half, since the accession of his present Majesty, there were nearer 24,000 than 23,000 folio pages added to the statute book. There were in that time 23,700 folio pages in that species of legislation. The average number of bills passed in those years was 161, but the number had been greater in former years. In 1825, there were 282 bills passed; in 1826, when the delusion that had existed respecting joint-stock banks was at an end, there were upwards of 200 bills. In 1813, there had been 295 bills passed. In the last twelve years no less than fourteen towns had had, in the course of every Session, two local acts passed. Southwark had had twelve, Edinburgh and Glasgow twenty-one, Liverpool no less than twenty-three, and there had been no less than 278 bills, all making local regulations for forty-five towns during the last twelve years. The expense of those measures was not less than 300,000*l.* This species of legislation, however, was not confined to towns, but extended to parishes. In the parish of Mary la bonne alone, since the year 1795, the local legislation occupied a volume of nearly five hundred pages, being much greater—he would not say than the Code Napoleon—but much greater than the Code Civile. Each of those acts, he begged their Lordships to recollect, having the effect of suspending the law of the land and interrupting private rights, sometimes of altering the law under which men had made their contracts and settled their affairs, and by which they supposed themselves safe — giving rights which the law repudiated, powers which the law did not authorise, and sanctioning wrongs which the law deprecated; that was, in short, but in truth, the effect of private legislation. It was most inconceivable that measures such as those he had stated, should have passed without more mature deliberation, and have been decided upon by those who had never heard the facts connected with them. He sought not to cast blame on any party— it was the system, and the system alone, of which he complained, and which by long usage had grown up into an inveterate practice. With regard to Members of the House of Commons the case was peculiar. Men went there under the influence, not merely of the importunity of friends, which might be resisted, but of the importunity of constituents, which could not be so safely resisted. He knew not, indeed, whether, strictly speaking, the constituents had not a claim on their representatives assistance. If he were asked to support a particular measure by any particular class of individuals, he had it in his power to reply that he was here in his individual capacity — he represented no one; but a man's constituents had a right to say, "You are the representative of our interests." It was true that an individual elected a Member of Parliament ought to consider himself the representative not alone of his particular constituents but of the country at large. It certainly was his duty to consult the interests of the public as a whole, but it must also be admitted, that his constituents, in so far as their local interests were concerned, had a peculiar claim on him. One of the standing orders of the House of Commons made it imperative to publish the attendance of the Members on Committees, and he found, from a record of their proceedings, which he held in his hand that the attendance on one Bill, which he would not name, but it was before the House this Session, was as follows:—On one occasion there were present forty-eight Members, then forty, then forty-four, then forty-two and then forty. He would suppose that every one person who was nominally entered as attending did attend the whole time, but it was possible that only five or six out of the forty gave a continued attendance. The average attendance for the first six days was forty-three. On the seventh day, however, there was an unusual attendance; it looked as if the Committee were disposed to work double tides. Suddenly, the number who appeared rose from forty to seventy-one. One might naturally ask himself what was the meaning of so sudden an increase—how was it, that there having been an attendance of only forty during the first six days, on the seventh day there was an influx of thirty additional Members? The riddle was soon solved by what followed. There was a vote, and on that vote he found that sixty-five divided. So that though there were never more than forty-two or forty-three present during the hearing of the business, the counsel having delivered their speeches, the witnesses having been examined, and the question coming before the Committee for decision, it was decided by the votes of sixty-five individuals. Some who thus divided had never attended till the sixth day, and there were several who attended for the first time on the day of the division. This course of proceeding was not confined to the case of which he had been speaking; it was of ordinary occurrence. He would give another instance still more remarkable. In the case to which he was about to revert the Committee sat for fourteen days. In the course of the eleventh and three subsequent days there were six divisions; out of these six, three were equal, and the matter was decided by the casting vote of the chairman. On the other three divisions there never was a greater majority than one; the numbers were seven to six or six to five; so that the going out of a Member, or the coming in of a Member who had not been in before, and who, therefore, had not heard a syllable of the evidence, governed the decision. For the first ten days the Committee sat, the numbers who attended ran thus:—In the beginning there were seventeen, then thirteen, then seventeen, then eighteen; then, when they had got into about the thick of the business, the numbers dropped down to ten, the next day they were seven, then they began to rise again, and their Lordships would suspect the reason. From seven they mounted to sixteen, from sixteen to twenty-four, from twenty-four to twenty-six, from twenty-six to twenty-eight, thus rapidly reaching that number of twenty-eight on the eleventh day. This was to be accounted for by the division. Now, seven of those who divided could not be found amongst the twenty-eight who had given their attendance. They were seen on that occasion, but they never had been seen or heard of before. The subjects to which this Committee devoted its attention were of a very peculiar description, and most remarkably precise was it as to the results to which it arrived. One of the questions to be answered, being the number of passengers that would be conveyed on that line of road, he found them estimated at 513 and seven-eighths of a passenger. The parties were also fractionally accurate as to the income to be divided between the shareholders, which was stated to be 31,751*l.* 18*s.* 4*d.* The Committee reported that "the line and its branches, in an engineering point of view; were peculiarly fitting for their purpose; that the gradients and curves were favourable, that the steepest gradient was one in 290, and that extended over a mile and a quarter, &c." Why, to learn the language of these things, it was almost necessary to attend for two or three days on the Committee. The noble and learned Lord then referred to the case of another Committee, which sat for fifty-five days in the last Session, and the Bill having been thrown out, resumed their sittings this Session, and had sat for thirty-five days, making in the whole ninety days. The attendance in this instance had varied exceedingly. At first, the numbers were twenty-four, then fourteen, then twelve, then ten; they then got up to twenty-six; on the twenty-eighth day, instead of there being twenty-eight present, there were fifty-three, and then of course came a division, when forty-six divided. What ensued? It might be fancied that the Members of the Committee were exhausted by the labour they had undergone. In the division for the next day, the attendance was only twenty-seven. The day after it rose again and was forty-three; on that day, there were three divisions. Once more the attendance dropped and was only twenty-two. On the last day of all, there were present forty-three; and then came the divisions in which, of course, were parties who had failed in giving a hearing to the evidence. These things, be it remembered, were done without even feeling ashamed of them—they were done, not in the dark, not by connivance, but openly, notoriously, and avowedly. They were part of a system; the system had been long established; the practice was inveterate, and his complaints were directed against the system and the practice. He would be the last person in the world to say anything against the Committee, and against the individuals comprised in the Committee, who had conformed to the practice. They did the same thing in this House, without constituents to importune them. He recollected a case which was stated by the noble Baron opposite two years ago. The noble Baron complained on that occasion that noble Lords had divided on the Bill, who had not attended before the day when they came down to vote. He was aware their Lordships might say that they had read the evidence, but he begged to inform their Lordships that there was a wide difference between reading the evidence, and seeing and hearing the witnesses, and hearing the arguments of counsel. There might be various opinions as to the nature and extent of this mischief, and as to how far those individuals were acting indiscreetly who were parties to it; there might be different opinions as to the best mode of applying a remedy, or as to whether any remedy was likely to be effectual, but there was one matter, with respect to which, he would venture to say there could not be a difference; he would venture to say that there could not be any difference of opinion, either within or without the doors of Parliament, either as regarded the public or those who took a part in these transactions; he would venture to say, that there could not be a difference of opinion even on the part of that body of men to whom alone, the system, as at present established and administered could be supposed to be profitable—he alluded to the profession to which he had the honour to belong, not excepting them, throughout the whole country, not the shadow of a shade of difference of opinion would be found to exist as to the present system; but with one voice, and that would soon be a loud voice, they all would join in complaining of, in reprobating, and in condemning the system, and loudly and strenuously would they call out for a change. How to shape a proposition to get rid of the evil was a far more difficult question. This was not the only mischief God knew, which it was easier by a thousand times to point out and complain of than it was to find a remedy for; if, however, that were a sufficient reason for not seeking a remedy, where would be all the improvements which in other matters they had attempted, and he would add, so successfully? It was their duty to do their best, and only to cease attempting a cure when they found the mischief was irremediable. What he wished to call their Lordships attention to, was the propriety of instituting an inquiry to see whether the evil was past remedying or not. If the result of the inquiry should show that no remedy could be found, they must be content with things as they were. For himself he must say that he did not think the case quite hopeless. He had considered various plans, but he would not go so far as to assert that any one of them ought to be adopted, or even that a combination of the whole would effect the important object they ought to have in view; but he would, nevertheless, state one or two of them for their Lordships' consideration. In his opinion, some regulation was extremely desirable in both Houses of Parliament for limiting the period of the year in which private business was to be transacted; he would specify the time, and not allow it to be so extended as at present. He knew there were certain interests which would not be much benefitted by such a plan. He knew there were certain interests for the advancement of which it was better that the private business should be spread over a period of five or six months; but his belief was, that it would be in itself a great improvement, should they go no further than to confine the private business to a specified period, and let it be understood, that after such a date, allowing, say four or six weeks, private business should cease. But then that must be coupled with a cessation of other business during that time, and that involved what he knew many of the Members of both Houses were averse to, namely, a compulsory attendance to private business as there was in the other House of Parliament to Election Committees. This proposition might be carried into effect if they met at a reasonable time of the year—if they did not persist in turning winter into summer, as well as night into day—if, instead of meeting in the beginning of February, they would assemble in the beginning of November, laying it to their account to be released in the month of May or in the beginning of June. They might find such an arrangement inconvenient at first; but his belief was, that in a few years they would marvel that they had so long deferred an arrangement so easy and so advantageous. At all events, to meet earlier, to devote the first part of the Session to the private business, and so to get the remainder of the Session, for public business, in his opinion would be a great benefit. An arrangement for getting rid of the private business in the morning was objected to by some on the ground that it was inconvenient for the Houses of Parliament to meet in the day time. It was said, that such a system would exclude professional men. His experience did not lead him to that conclusion. He found that their sitting of an evening did not preclude the attendance of those professional men who had professional business of an evening. In former times, when Parliament sat at ten o'clock, and even earlier in the morning, they had as many lawyers and judges and mercantile men giving their attendance as they had of late years. His belief was, that if the House of Commons sat in the course of the day instead of in the night—the impossibility of sitting both day and night had made it necessary for them to adjourn almost every night at twelve o'clock—if the private business were first disposed of and they then undertook the public business, he had no doubt that would be found a much more convenient arrangement. It might be said his plan was merely speculative and visionary, but he could not bring himself to believe that there would be any objection to change the mode of conducting the private business, and thus, at once, lay the axe to the root of the evil. He had said not a word which went to impute motives to those who voted on private bills; he had spoken only of those who voted on them without having heard the evidence. It might be said, that to a certain degree the standing orders would apply a remedy for the evil of which he had complained; but he thought that an inquiry would shew the necessity of some legislative provision to expedite the business. This plan had been proposed before; he had heard of it ever since he had possessed a seat in Parliament. It was notorious that the great expense and delay of private bills were occasioned by the necessity for the Committee coming to certain conclusions as to matters of fact, and reporting certain opinions on those facts. It had been recommended that they should send a commission instead of bringing the parties up to town from all parts of the country. It had been asked, why not, instead of putting the parties to such an expense in bringing up witnesses, send a commission to them chosen by each House of Parliament, or by both jointly, and let that commission examine the engineers and surveyors, and hear the counsel, and report, not their opinion as to whether certain points were explained or not, but let them find the facts, in the nature of a special verdict, on which the two Houses might proceed to legislate. If they reported the evidence as well as their conclusions, then it would be competent for the Houses, if not satisfied with their conclusions, to proceed to satisfy themselves. The consequence of that arrangement might be, another examination by the Houses, and it would perhaps be said that the examination by the Commission would thus be only so much in addition. There was another proposition, which was, to hold the Houses concluded by the finding of the Commission. If the Commission were well chosen, so that it deserved the entire confidence of Parliament, he could not perceive any very great objection to such a system; but he admitted objections might be urged against it, and he would not now stop to discuss them. What objection could there be to this? That the Committees should be chosen of a certain limited number—say eleven—seven, nine or eleven; that these Committees should sit, *de die in diem;* that persons should not be allowed to absent themselves from the Committees any more than they were permitted to absent themselves from the election Committees; that no vote should be taken without the presence of those who had heard the evidence; or, at all events, that no person should be allowed to vote by whom the evidence had not been heard. In some of the Committees to which he had already adverted, there were Members who appeared to possess the power of ubiquity, for, according to the documents they appeared to have been attending three or four Committees that were sitting on the same day. The non-attendance of Members and their attendance when they ought not to be present, were not the only evils. It was said that these Committees came to conflicting decisions. The same point was sometimes decided in different ways by different Committees, and occasionally these conflicting decisions were come to by Committees composed of nearly the same individuals, the variance being the result of Members going out or coming in. Such events led to suspicion that the decisions of the Committees were governed by the balance of interests. It appeared to him, that to secure an uniformity of decision on questions of law, it was expedient that a selection should be made from among the Members of the House itself, or that in some instances, individuals out of the House should be obtained. He could not help here adverting to a measure framed by their Lordships about three years back. A Bill having come from the other House, dealing with the corruption in boroughs, that Bill was found exceedingly unsatisfactory, though there was the greatest inclination to support it. A suggestion was, therefore, made by the noble Duke on the benches opposite, which was held to be of so much importance, that it was considered proper to refer the Bill to a Select Committee. In the Committee, the proposed alteration was made, and the result was, that many clauses were thrown out, and many were introduced, and the entire Bill was so essentially altered that it could hardly be considered the same measure. The Bill having returned to the House of Commons, that House came to the conclusion that it would be better to reject the amendments, because the effect of adopting them would be almost the same as if the House were to pass a Bill by a single vote, and this Bill, as altered, was too important a measure to be passed by the House of Commons, without receiving the fullest consideration. It might therefore be said—not that the principle was negatived—but rather that the consideration of it was postponed. Now, what was the measure? It proposed one of the widest departures from ordinary rules—one of the most unquestionable invasions of the pledges of Parliament he ever recollected, being carried he would not say, but propounded. It went to this: it appointed a tribunal consisting of judges, the jury being selected from Members of both Houses of Parliament. It proposed to take seven Members of the House of Commons, and five of the House of Lords, who were to sit with the assistance and under the direction of one of the judges, not being a Member of either House of Parliament; there was to be given a power of appeal to the other judges on questions of law; that jury, so composed of Members of both Houses of Parliament, was to find, as it were, a special verdict on the facts of the case; that verdict being so returned to both Houses of Parliament, it was to conclude them, not as to any Bill or measure, but as to the facts only, and they were to proceed to legislate, if they chose, on the facts, found by the said special verdict. Now, see the advantage of this—here was one proceeding instead of two. Instead of both Houses sitting day by day and from month to month, there was to be one jury composed always of the same persons who would sit *de die in diem*, and thus would be saved to the parties, the delay, the expense, and the vexation which in ninety cases out of every hundred accompanied private bills. Various other plans had been suggested, on which he should not dwell. Among these, was one for withdrawing altogether these cases from the jurisdiction of both Houses of Parliament; and sending them before some other tribunal. There were many objections to such a plan; and it was, indeed, only to be thought of as a last resort, and when all other expedients were found to fail. He hoped, however, that it would be found quite practicable to remedy the evil, great as it was, by other means. The departure from the former usual course in reference to granting patents had been found fully to answer the purpose. Upon the whole, it appeared to him to be not only advisable but the imperative duty of the House, to apply a remedy as speedily as possible to the existing evils, and he trusted that the subject having thus been brought forward, the House would not allow it to be put aside either from neglect, or from a hopelessness of a cure. He was persuaded that if the Committee were granted, it would be able to devise something approaching at least to a remedy. The noble and learned Lord concluded by moving, "That a Select Committee be appointed to inquire into, and consider of the state of business before this House of Parliament."

Viscount *Melbourne* said, that he felt, and he was sure the House and the country would feel themselves, under great obligations to his noble and learned Friend, for having brought forward a motion of such great importance, and also for the manner in which he had performed that task. He thought certainly that his noble Friend had stated sufficient to justify their Lordships in acceding to the motion which had been proposed. He had stated enough to call on that House to institute an inquiry into the matters which had been so ably, so clearly, so distinctly opened by his noble and learned Friend; but at the same time he wished to guard himself from acquiescing in all that his noble Friend had stated, and from concurring with him as to the magnitude of the evil and assenting to the proposition that that evil was of such magnitude and such importance as that it necessarily and imperatively called for revision, change, and alteration in the manner of proceeding in their Lordships' House. He agreed in the propriety of inquiry whether any defects existed, and applying any remedy that might be required; but he did not believe that the evil had proceeded to so crying an extent as to render it necessary, in justice to the subjects of this country, that some remedy should be applied. He would beg, with very great submission, to admonish their Lordships that, in entering upon subjects, connected with the privileges of Parliament, they were meddling with matters of the last importance—of no less importance than those strong, great, and sweeping measures which it was now the fashion to call organic changes of the Constitution. To change and to tamper with the privileges of Parliament was of little less importance than to interfere with the Constitution of Parliament itself; it was of little less importance than that measure which had introduced extensive alterations in the Constitution of the House of Commons, or any other measure for revising and altering other bodies of the State. He had heard many persons of very great ability and experience commend the proceedings of Parliament; but he particularly alluded to Sir Samuel Romilly, who was not certainly very much disposed to applaud the Constitution and laws of England, but who always gave his most unqualified approbation to the forms of proceeding in this and the other House of Parliament. He had heard him say that, having been a witness of the violence and excesses of the French Revolution, he was convinced that had their Upper Chamber been so well devised to check violence, so well devised for producing moderation and reflection, as was the House of Peers in England, that circumstance would have gone far to prevent the evils that arose at that period. He could not, therefore, approach the consideration of these matters without a considerable degree of apprehension, and without reflecting on the importance which was attached to them. His noble and learned Friend had not very much relied on a topic which had given rise to a good deal of observation—which related to the late period of the Session at which Bills passed the other House of Parliament, and were sent up for the consideration of their Lordships. That was a very general subject of observation, and his noble Friend opposite had made a complaint in reference to it in the Session of 1834. He, however, was more patient, and had waited till the 7th of July—but the present motion was before their Lordships on the 7th of June. With respect to this part of the subject, he must say, that, as to the measures that were sent up to their Lordships, if they had a mind to get rid of them, if it suited the majority to exercise that suspensive veto, to which some reformers of the present day were disposed to confine the powers of that House, it required little time to carry those wishes into effect: but if any considerable part of their Lordships thought that the questions were of a nature that it would be better to settle, if upon the whole the party should think that they might as well pass the measures, he had never found that the complication of those Bills, their length, or their difficulties, stood much in their Lordships' way, he had always seen that the House found time enough to pass the Bills, and he would refer the noble Duke to the end of the Session of 1833, when the Bank Charter Bill, the Emancipation Bill, and the East India Company's Charter Bill were passed—measures of such great importance that the contemplation of them makes one's head turn. He believed those measures had been very much considered; they had certainly been attended with a success which nobody expected—he was sure he did not. He did not, then, see much in that difficulty, which had been raised, because the real fact was, that much time and leisure did not lead to industry, attention, and thought, but was, on the contrary, calculated to produce neglect, inattention, and delay. He found it so with regard to himself, and saw it in the conduct of others. That which brought them really to consider measures was the existence of a necessity which called upon them to make some speedy provision; and, in fact, the more time they had the more they required. What was the reason that they had dawdled so long a time about the two Bills which had been sent up to them? Why, because they had nothing else to do. The fact was, the less they had to do the less they did. It sounded very well to talk about time for consideration and reflection, but their Lordships knew very well that it was a necessity for expedition that urged them to the real and serious consideration of a measure. His noble Friend had made some observations on the mode of transacting private business, and it was probably liable to many of his objections; but he doubted much whether to relieve the House from the private business would at all expedite the public business of Parliament. There was a sort of division of labour in that respect, for in neither House did the same Members generally attend both to public and private business, although, if they did, the private business was calculated to fit them for the discharge of the public business with which Parliament might be engaged. He was very anxious to have the subject seriously considered, but, at the same time, he must again express his doubt whether that inquiry would lead to the result expected. In very many of the suggestions of his noble and learned Friend he could not concur: with regard to limiting the attention of the House to private Bills during the early part of the Session that was a question touching the constitutional privileges of Parliament, which he thought inexpedient. The early business of Parliament was frequently of very great importance; there was already some limitation respecting the time of presenting petitions upon private bills; and if they drew the line tighter, he believed they would speedily be obliged to relax it. He was unable then to go into all the details which his noble Friend had adverted to; there was sufficient to justify the inquiry, but he wished to guard himself from admitting that the evil was so pressing as to render any remedy necessary, or from being supposed to anticipate that much good could result from the motion.

The Duke of *Wellington* said, that the proposition could have no tendency to make matters better this year, at all events. He had seen great improvement in the conduct of private business within the last five or six years; resolutions had been formed by many noble Lords, founded upon their own feelings and opinions, not to interfere with any Bills in which they had any private interest. He would not, however, pretend to say, that much might not still be done; but he believed that that improvement must depend on the feelings of noble Lords themselves. It did not appear to him that any measure was likely to result from this Committee; but he did not desire to oppose himself to anything which the noble and learned Lord might think desirable in that respect.

The Duke of *Richmond* agreed with the noble Duke that the private business was better managed than it used to be. Still there was much to be remedied; and if the present motion had only been confined to that part of the subject it would have received his most cordial support. It frequently happened that many Peers went down to the Committees punctually, stayed during the whole of the proceedings, and heard the whole of the evidence, and the opening and summing up of the learned Counsel, whilst others went down on the last day, were contented with reading over the evidence, and hearing the summing-up. That was one evil; and he would say for himself that he could not conscientiously vote upon a private bill unless he had been present during the whole or a great part of the proceedings. Again, by reference to the standing orders it would be found that all Committees ought to meet at ten, and sit till four o'clock; whereas some of them did not meet till two, and then the Counsel were so clever and technical, that the whole of the time was taken up by their arguments, and frequently no evidence could be heard. With respect to public business, he would ask, might not the House of Commons concede something as regarded money clauses? There were many clauses which were not money clauses, but which, because they referred to some rate, precluded that House from interfering with the Bill. Why, he would also ask, should there be any jealousy on the part of the House of

Commons as to permitting Bills sent up to that House too late on one Session to be commenced there in the next? He agreed cordially in the motion of his noble and learned Friend, and though it might not be possible to effect all that he expected, still it was calculated to produce considerable improvements.

Motion agreed to.

HOUSE OF COMMONS,

Monday, June 5, 1837.

MINUTES.] Petitions presented. By Sir O. MOSLEY, from persons employed on the canals and in the potteries of Staffordshire, for a better Observance of the Sabbath.—By Sir C. B. VERE, Mr. HAMILTON, Mr. WODEHOUSE, and other hon. MEMBERS, from various places, against the Ministerial plan for the abolition of Church-rates.—By Mr. WILKS, Mr. TOOKE, Sir R. FERGUSON, and other hon. MEMBERS, from various places, in favour of the Ministerial plan for the abolition of Church-rates.—By Sir GEORGE CLERK, from parish clerks in Scotland, against the registration of Births and Marriages (Scotland) Bill.

COMMERCIAL DISTRESS.—THE CURRENCY.] Lord J. Russell rose to move the Order of the Day for the House resolving itself into a Committee upon the Poor Relief (Ireland) Bill.

Mr. *T. Attwood* rose to move an amendment. The House of Commons appeared to him to be like Nero fiddling whilst Rome was burning. They had been dabbling with small game for some months past, whilst a general conflagration had risen among the commercial and manufacturing classes, and was now extending its ravages rapidly among the agricultural and labouring classes. This was a state of things which appeared to him to demand an inquiry. In his mind, the welfare of Ireland was more implicated in the amendment which he was about to propose than it was in any measure which could be proposed for the relief of the poor in Ireland, much more than it was in the measure now before Parliament for their relief. The House had been told by the noble Lord, on a former evening, that it was wrong to consider the present distress of the country as anything comparable to the distress of 1825. Now, with all deference to the noble Lord, he must say, that the noble Lord had no experience of the distress of 1825, either commercially or politically. If the right hon. Member for Tamworth were present, he would assure the noble Lord from the highest authority, that the sufferings of the mass of the people of England at that time were not half as great as at present. He admitted that the pressure at that time was greater upon the bankers. The pressure, however, upon the merchants was much greater now than it was then, and the manufacturers and labourers of the country were not suffering then one-millionth part of what they now suffered. His hon. Friend, the Member for Caithness, had been taunted by the noble Lord at the head of the Home Department with anticipating events. The noble Lord said, that his hon. Friend was anticipating calamity. He did not know what the noble Lord considered a calamity. Perhaps the noble Lord, if London and Westminster were both swallowed up by an earthquake, and he himself were to escape, would not consider the loss of those two cities as a calamity. He, however, deemed it to be a great calamity, when 2,000,000 of honourable and upright men—men as honourable and upright as the noble Lord himself, though not so high in rank and station—were plunged in privation and poverty. Plague, pestilence, and famine, were each a great calamity, but were not, when combined, such a calamity as that of depriving one-third of the population of this empire of the means of daily subsistence. He would undertake to say, that from the year 1810 up to the present day there was no man living who had applied so much time as he had applied to the subject of the currency, or who had possessed such opportunities as he had for investigating all its ramifications. Seeing, then, that ruin was attacking the vitals of English commerce, he took the liberty of calling back the attention of the House; but why should he say calling back the attention of the House, when its attention had never yet been directed to the subject? He took the liberty of calling the attention of the House to the real interests of the nation, which had been little consulted by Parliament since it had become a reformed Parliament, and had not been consulted by it, he did not know how long before it became a reformed Parliament. Without further circumlocution, he would call the attention of the House of Commons—the reformed House of Commons—to the very serious condition in which the large masses of the people of England were now placed. Every Member who then heard him knew that ruin had fallen on the commercial and the manufacturing classes. They heard men say, "How can Government be justly made responsible for the imprudence and want of caution on the part of those classes?" He insisted that the commercial and manufacturing classes had not been guilty either of imprudence or want of caution. The plain matter of fact was, that they had dared to carry on their business under one state of the currency, when they were liable to be called upon to redeem all their obligations under another. The Government and its laws had created a state of fictitious prosperity, which they had afterwards changed into a state of real adversity. The unhappy merchants were not at all to blame. They supposed that they were acting under the protection of British laws, and they were ignorant that the noble Lord and his colleagues in the Ministry had changed them fraudulently and secretly. They had contracted debts under one set of prices, and they were now suddenly called upon to pay them under another. They had contracted debts when cotton was selling at 8*d.* a-pound; they were now called upon to redeem them when cotton was only 4*d.* a-pound. The same was the case with tobacco and tea. Hence it happened that every man was compelled to pay 200*l.* for every 100*l.* of debt which he had contracted. The merchants, he repeated, were not to blame for the ruin in which they were at present involved, for they had been swindled out of their property by the fraudulent operation of the laws. They would be wealthy even now if justice were done them; but they found their wealth passing rapidly away from them because justice was denied them. The House had been told, on a former evening, that the Bank of England ought to give assistance to such of the merchants as were at present in difficulties. Now unless the Government was prepared to repeal the law which coerced the Bank of England to pay in gold, all that the Bank of England could do by assisting the merchants would be to involve itself in the same common ruin with them. The law at present compelled the Bank of England to pay its notes in standard gold. Four years ago the measures of Government had compelled the Bank of England to relax the screw. They had compelled the Bank to issue new supplies of paper. The discontents which prevailed in consequence of the prevalent distress of 1832 required that issue of bank paper. The Government had done more than this; it prevailed upon the Legislature to pass acts making bank-notes a legal tender for all sums above 5*l.*, and abolishing altogether the usury laws. They thus gave the fishes plenty of water to swim in—they first fastened down the plug of the pond in which the fishes were indulging themselves, and then, when their delight was at the highest, they pulled out the plug and let the water off, and then the unhappy fishes found themselves all of a sudden floundering in the mud. Hon. Gentlemen might laugh, but this was literally the fact. Ministers first raised prices above the level of fixed charges, and the consequence was, that the industrious and labouring classes in the manufacturing districts flourished in an eminent degree. After two or three years, however, they reduced prices below the level of fixed charges, and thus brought the country into the same state of calamity which it had experienced at former periods. Recently the measures of Government had all been taken for the purpose of forcing up the price of gold. For the last year all the Ministerial newspapers—more especially the *Courier*, the *Globe*, and the *Chronicle*—had been daily urging the Bank of England to contract the circulation, and to take measures to break down the price not only of foreign manufactures, but also of British manufactures, in order to compel foreigners, in two different ways, both as purchasers and sellers, to bring gold into this country. The conduct of Government and of the journals under its control was objectionable on two distinct grounds—first they stimulated the Bank of England to increase its circulation, and then, to bring back gold to the country, they stimulated it to contract the circulation, which they had before stimulated it to increase. The noble Lord at the head of the Home Department smiled at this, and shaking his head with a show of gravity said, "Look at the speculators, and see how indiscreet they are." Yes, indiscreet they undoubtedly were in trusting to the professions and promises of a Whig Ministry, and they now find that in leaving the Tories to trust in the Whigs, they had dropped to use a vulgar phrase, from the frying-pan into the fire. He hoped, that hon. Members would attend to the question which he was now submitting to the House—it was quite as interesting as their bets at Ascot—indeed, a subject more vitally important could not be submitted to the consideration of a British House of Commons. He knew that the hon. Members who were now laying their bets and making up their books did not consider him as worthy of their attention as the representatives of Oxford and Cambridge.

He admitted, that he was nothing more than the representative of honest buttons and buckles; but it should be remembered that those honest buckles and buttons were the sinews of England. The Church, he knew, was well represented in that House; so, too, was the army; so, too, was the law,—indeed the law was excellently well represented; but as to the bees of the social hive, they had but a few representatives in that House, and he had the honour of being one of them. He was at that time coming forward to fight the battle for the bees, and in spite of all the humming and buzzing of the drones, he would never hesitate to come forward to perform his duty towards them. The analogy between the bees of the social and those of the political hive was becoming stronger and stronger every day. The drones might depend on it that, if they ventured to appropriate to themselves too large a share of the honey, they would be expelled from the hive by the bees. He did not blame the drones for seeking to get as much of the sweets as they could; but he should blame the bees if they allowed their hives to be laid desolate for the mere purpose of preserving the drones. He endeavoured to be the friend of all classes, and he knew, that by protecting the lower classes from oppression, he was acting as the truest friend to the aristocracy of the country. The injustice of Government in asserting that the indiscretion of the mercantile and commercial classes had been the cause of their present ruin, was extreme. The indiscretion of those classes was not the cause of their ruin. The cause of their ruin was the unjust, imprudent, and impolitic conduct of the Government under which they had the misfortune to live. The House had been told, that what they then saw of this ruin would be the end of it. He denied it. They had been told, also, that if left to itself it would rectify itself to-morrow. He denied that too. The distress which had been occurring at stated intervals during the last twenty years never had rectified itself, never could rectify itself, and never would rectify itself without the interference of that House and of the Government. He took a gloomy, he was sorry to say, a very gloomy view of the future. If he could believe that the distress would end in the failure of 100 merchants in London, and of 500 merchants throughout all England, and in the privation of 1,000,000 of labouring families throughout the country, he should not despair; but his belief was, that the distress would go on *ad libitum* and *ad infinitum,* until it involved both throne and altar in one common ruin. He did not like to spread anything like alarm. [*Roars of laughter on both sides of the House.*] Hon. Oxford-bred Gentlemen might smile and laugh at him; they might know more of classics and literature than he did, but as to the knowledge of commerce and manufactures, they were, when compared to himself, like so many butterflies. He insisted that there was a great calamity now resting upon the country, and that there was a still greater calamity than any now felt impending over it. Unless the House and the Government interfered to stay the march of ruin, it would be universal. In 1833, the Ministry of the day had made him a member of the Committee which was appointed to inquire into the condition of the manufacturing interests of the country. From what Ministers had seen of him on that occasion, they had taken special good care not to put him on any other Committee since. He believed in his conscience that they would as soon see Beelzebub himself on any Committee as himself. Ministers at that time told him a fine story about the prosperity of the country, but somehow or other he did not believe a word of it. He asked them, in consequence, this question—"Do you mean to say, that the East India trade is in a state of prosperity?" To this question they replied, "Yes." "How, then," said he to them, "do you explain the failure of the three great East India houses which have just taken place?" "Oh!" said they, "those parties were ignorant, incompetent, insufficient, incautious.' He had then asked them this question-- "Do you not believe that all the merchant princes of India are tarred with the same brush as the partners in those three great houses?" As soon as he had put that question, he was met with loud cries of "Oh, oh!" His question was ordered to be erased from the minutes of evidence, whilst the answer to it was allowed to remain thereon, because it stated that the prosperity of our trade with India rested on a basis strong as a rock of adamant. Well, what was the result? In six months from the day on which he asked that question, seven others of the "merchant princes" failed; and of the various merchant bankers who then carried on business in India, only one now remained solvent. Some houses, he knew, could bear enormous losses, and he believed that there was scarcely one house in the country which had not suffered enormous losses of late years. In the last spring, he had spoken about the state of the trade of London to a merchant of great intelligence, whom he believed to be as well acquainted with the state of trade in London as any man could be. He mentioned to him the opinion which Mr. Baring had given in that House upon the subject, only a very short time before he was elevated to the peerage. Mr. Baring had said, that there was not, at that time, one-twentieth part of the wealth in London that there had been twenty years before. He asked his friend whether that opinion was correct? His friend replied in these terms—" I assert, that of every twenty rich merchants who stood on the Exchange of London twenty years ago, nineteen are gone, and only one is solvent, and that one is either a gambler or a speculator." From the wide extent of the distress now prevailing, he saw no chance of its speedy termination. They must have seen from the public journals that the destruction of the prosperity of England had affected the remotest corners of America. Not only was it felt in New York and in New Orleans, it was also felt in the Black Sea, the Persian Gulf, and the Yellow Sea of China. At New Orleans, the merchants had been more broken down by the action of the Bank of England than they had been by the combined action of Jackson and Van Buren. At New York, the merchants found the value of their cotton reduced fifty per cent. by the operation of the laws which the noble Lord had passed in this country. The noble Lord had taken it into his head that by bringing down the price of commodities in foreign countries, and by reducing the price of British manufactures at home, he should compel the foreigner, by the sale of his own commodities and by the purchase of British manufactures, to remit back the gold which he had taken from this country. It had been said elsewhere that the attack which had been recently made on the joint-stock banks and on the American merchants had been made for the express purpose of pulling down the prosperity, the fictitious prosperity, of the country. It had likewise been said, that that fictitious prosperity had been nothing but over-trading. Now, he was prepared to contend that there had been no over-trading in this country. All the goods that had been manufactured in this country last year, and all the goods that had been imported into it during that time, had been taken into the consumption of the people as fast as they made their appearance. There was then no over-trading, the people were then living and letting others live; they were producing one set of commodities and were purchasing another. Now, alas! they had only work two days in the week, and that was called over-trading. The fact was, that the Government had made a false step some years ago, and every measure which they had since taken to get rid of the consequences of it, being taken in a wrong direction, only increased the difficulties, and aggravated the horrors of their situation. They had first increased the circulation amazingly, and then suddenly during the last twelve months they began to contract it as rapidly. They said, that the Bank of England should pay gold for what it owed; but they well knew the Bank of England could not pay in gold one-hundredth part of what it owed. "Then," said the noble Lord to the Bank, "let us take care in our tampering with the circulation that we leave all the big fishes water enough in which to swim, as we need not care whether we save or destroy the lesser fry." That advice, unfortunately, had been acted on. The Government had attempted to keep the Church, the aristocracy, and the Crown safe, but in their attempt had shown their ignorance of the science of government. They were egregiously mistaken in the policy which they had adopted, for when they made the masses discontented, they undermined not only the foundations of the Church and of the aristocracy, but also the foundations of the Throne itself. He was the surest friend to the Church, to the aristocracy, and to the Throne, who was prepared to do justice to the masses, and, if he might borrow a phrase from his hon. and learned Friend, the Member for Kilkenny, he was prepared to call for "justice for the people of England." For his own part, he would lift up the men who were compelled to pay in high prices the debts which they had contracted in low prices. He would have all men redeem their debts, obligations, and taxes in a medium of equal value to that in which they had engaged to pay them. In making that proposition, he was the best and truest friend of the aristocracy, for in taking away from the lower classes the *pabulum* of discontent, he strengthened the bulwarks by which the aristocracy strengthened both itself and the Throne. The tender mercies of the Whigs were like those which the right hon. Member for Tamworth had inflicted on the country, and under which it had long been suffering and would long continue to suffer. Those tender mercies were the very refinement of cruelty, for he meant to assert, that under their operation all classes of merchants had been involved in one common ruin. It might be said, that this was the language of alarm. He cared not for that—truth should be spoken at all times. He defied all alarm. He said, that the merchants of London, of Manchester, of Liverpool, of Glasgow, and of Birmingham, were tarred, one and all, with the same brush. The House and the Government should therefore put out a strong arm in time. He would tell the noble Lord a secret. He had no doubt that the noble Lord thought that a button-maker could not tell his Lordship a secret. He had recently told a noble Lord, a friend of the noble Secretary for the Home Department, that if he fancied that he could learn the real state of trade by inquiring of any merchant in the city, he was woefully mistaken; for if he got an answer at all, he would be certain to get a false one. He had given the same piece of information in 1832 to the noble Secretary for the Home Department, and he would repeat it again now for the noble Lord's information. The noble Lord would perhaps recollect, that in 1832 he had told him that he took a gloomy view of the state of our commercial and manufacturing interests. The noble Lord in reply said to him—"How is it, Mr. Attwood, that you take this gloomy view of affairs; for when I go into the city of London I do not get any such view communicated to me?" "No," replied he, "I know you do not—the answer which you get from the merchants you consult is nothing better than a mighty big lie." He would not accuse any of those gentlemen of the crime of wilful falsehood, but he would say, that their answers would be as wide of the truth as a lie. He would name J. Maberly and W. Manning, and they, if asked six months before their failure, to tell the real state of the commercial world as far as they knew it, would either have preserved a dead silence, or if they were appealed to on their honour they would have told truths which would have appalled the public. He could name other distinguished members of great commercial firms, who once possessed immense wealth, but who were now poor, and dying of broken hearts. They were men who were murdered by an unseen hand. But th Government while all this ruin was going on said coolly, "How can we prevent improvidence and overtrading?" There could be no such thing as overtrading as long as all hands in the country were kept at work. It might happen that one particular trade might for a time absorb more capital and more industry than was necessary for the country. That he did not mean to deny, but as a general principle, and as applying to the whole country, there could not be overtrading. But then they had been told by Lord Liverpool that the distress of the country was occasioned by a superabundance of the gifts of providence. They were like the flies in the honey-bottle, perishing in the midst of their own sweets. If the sound principles on which a currency should be conducted had been observed in 1815, the Speaker would not be sitting in that chair; a reformed Parliament would not be sitting in this House, the Test and Corporation Act Repeal Bill, would not have passed, the Catholic Emancipation Bill would not have been carried; but when the public mind became excited and exasperated at the course pursued with respect to the currency, first came the Dissenter, and then the Roman Catholic, and each grafted his own specific on the general mass of discontent. It was said that men who had property to lose would preserve social order, but who were the men who had property? He knew that many merchants, who twelve months ago were possessed of more than 100,000*l.* were now not worth 10,000*l.*, and this was brought about by secret and unseen laws, which mole-like worked under ground, and of the working of which not one merchant in a thousand knew any more than the mole. In the last twenty years the commercial, mercantile, and manufacturing interests, had had five convulsive fits, and they were now undergoing a sixth. The noble Lord and his Friends would not administer any remedy, except now and then a little alcohol. The first convulsive fit was in 1816. Gold was then 5*l.* 11*s* the ounce but it soon fell to 4*l.* 2*s.* At that period of the high price foreigners sent us in large masses of wheat, on which they realized a profit of from 40 to 50 per cent., but this increase on our imports placed a tax to the same amount on our exports, for the foreigner had to give an ounce and a-half of gold instead of an ounce. In June 1816, Lord Liverpool, alarmed at the state of the country, brought forward in the House of Lords a measure for renewing for two years the Bank Restriction Act, which was then about to expire. He then borrowed 6,000,000*l.* for the purpose of increasing the circulating medium. This was putting in the plug at the bottom of the pond and giving the fishes more room to swim about. Then came the convulsion of 1818. On that occasion he (Mr. Attwood) went to Lord Liverpool, and apprised him of the state of the country, but Lord Liverpool said there was no danger of greater distress. He then said that the manufacturers were going to be butchered, and he would go home and set his house in order. He told Lord Liverpool what would happen. In the autumn of 1818, the second convulsion was brought on by Lord Liverpool reducing the Bank circulation one-eighth. Then, in March, 1819, came Mr. Peel's bill, but a Committee was first appointed to inquire into the effect of the reduction of the circulation in the preceding autumn. Some of the most experienced merchants and bankers of the day were examined and asked what would be the effect of the reduction of the circulation by another eighth. They said that it could not be borne by the country, and the result, the reduction of paper circulation, was scattered over a period of four years; but in the mean time the screw was put on to reduce the circulation. Well, what did Lord Castlereagh do in 1822, after his return from his diplomatic mission? He first declared that four and sixpenny wheat, or threepenny beef could not be borne by the country, and he brought in five bills in one day. The first was to legalise the payment of 1*l.* notes for eleven years, and to continue the Bank charter for that time. The second was to transfer the dead weight to the Bank, as a means of puffing up and extending the circulation. The third was to enable the Government to borrow 3,000,000*l.* from the Bank to pay off the dissentients to the reduction of the five per cents. The fourth was to enable the Bank to lend money to the East India Company, and the fifth was to enable the Bank to lend money on land. These were all good and sound measures, and the result was that for three years the country enjoyed undeviating prosperity. Then came the panic of 1825. On that occasion the Bank were under the impression that their stock of small notes were exhausted to about half a million, but he (Mr. Attwood) told them that they were in error, and he set the directors and their clerks to work, and on examining, instead of only half a million, they found that they had three millions and a half. This discovery was made just nine days before the payment of the dividends, and set all matters to right for that time. After this, Lord Liverpool brought in and passed an act to abolish 1*l.* notes, but in a fortnight after, he came down to the Lords and said, "I have a secret to tell you. Those rascally bankers are making a run on the Stamp-office for fresh supplies of stamps to enable them to issue more 1*l.* notes during the passing of the act. They are going to inundate us with 1*l.* notes, and we shall be drowned in the deluge." The remedy he proposed was, to prevent the Stamp-office from issuing stamps, and to trust to an act of indemnity for taking that step. Well, in a month after that, he came again to the Lords, and said, "My Lords, I have another secret to tell you. Those rascally bankers are going to starve the country out of 1*l.* notes, and not to issue any more of them." He quoted the substance of the noble Lord's remarks but he did so in his (Mr. Attwood's) own rough phraseology. Well, Lord Liverpool's plan was to pass an act to extend the issue of 1*l.* notes six months beyond the time previously proposed. These tamperings with the currency were the causes of the distress which now affected the country. This distress was not brought on by the faults of merchants or manufacturers; it was the fault of the law, and he called on the House to revise and reconsider that law. The Legislature could not succeed in going against a nation. If a nation had grown old in the use of one state of the currency, it would be impossible with safety to change it to another. Violent changes of the currency had been the commercial ruin of many countries. They had been the ruin of Spain and Portugal, and Italy and Egypt. He would next call the attention of the House to what had been done twelve months ago. The Bank at that time set its face against joint-stock banks, and also against some of the leading American merchants. These had been in the habit of dealing in one currency, and they continued to do so, Well, the gold was found to be going out of the country, and the Bank and the noble Lord (John Russell), and the right hon. Gentleman the Chancellor of the Exchequer, set their heads together, and the result was, that the Bank gave notice that it would not discount the bills of any joint-stock bank issuing notes, and that it would not discount a bill with the name of any American merchant to it. One consequence of this was, an immense and immediate stagnation of trad of all kinds. He knew himself of one merchant, who was in the habit of dealing with Birmingham manufacturers to the amount of 250,000*l.* a-year, who did not now expend 2,000*l.* a-year with them. The dealings of others had been greatly reduced, and that of some had ceased altogether. What had been the practice? Why, when Peel's bill had destroyed the old set of merchants, a new set started up, who shaped their dealings according to the provisions of that bill. They purchased large supplies of goods from the manufacturers, for which they allowed them at once to draw bills for two-thirds of the value. Those bills were immediately discounted, and in twenty-four hours after, the money was circulated to produce food and clothing for the workmen and families employed by the manufacturers. When the cotton and tobacco, which were brought home as returns for those shipments, arrived, the manufacturers drew on the merchants for the remaining third of the value of the goods bought of them, and in that way they got on. What was there of overtrading in this? The manufacturer got a vent for his goods. The produce of this country was exchanged for that of others. If it had not been for the measures restrictive of the currency adopted in this country, the Americans, who felt most severely their effect, would bave been able to pay the 7,000,000*l.* of balances they owed us. All the embarrassments arose from intrusting people with the management of business who were totally unacquainted with it. Who would ever have dreamed of committing the destinies of America to a backwoodsman, and those of England to an Oxford scholar? And what were the public prints now doing? *The Times* or the *Chronicle* was calling on the Bank of England to contract the circulation by 2,000,000*l.* The idiots! What was wanted was 2,000,000*l.* more of circulation instead of 2,000,000*l.* less. The Legislature might just as well compel the people to work with golden spades and golden axes as to pay their debts with a golden circulating medium; indeed, the last would be the less infliction of the two on the country. In our divided and subdivided industry money was not at present what it used to be 300 years ago. It had now become the circulating medium of the country, and it was absolutely vital to the body politic. It was not so vital 300 years ago; and money might then have been entirely annihilated without much harm done. In the present day the extent to which the system of the divison of labour was carried was wonderful; the money transactions were comparatively trifling, an exchange of mutual industry being made through the agency of credit-money. Let hon. Members turn their attention to the clearing-house in London. Twelve hundred millions, the result of bill transactions, were there annually wiped off the books by the medium of a single piece of gold, and it might be computed that each of the bills had, on an average, passed through three hands. The country would have been much happier if that House had never been induced to tamper with the currency. The quality of the circulating medium had been likened by Mr. Rothschild to electricity; and he said that if it were touched the effect would be felt to the remotest corners of the earth. In 1819 he had claimed an inquiry; but inquiry was refused, both by Lord Liverpool and by that House. In 1821 the agricultural committee sat, and he was examined as a witness. He then pointed out the state of things which must happen—that every farmer, every manufacturer, and every merchant must be ruined; that it would be impossible for the landlords to get any rent if the metallic standard was acted on to its full extent. He was, however, stopped by Mr. Huskisson and Mr. Ricardo, who told him that they had come to a resolution not to inquire into the currency. As he attributed the distress of that period to the state of the currency, he certainly thought it surprising that a committee of inquiry should have resolved not to inquire respecting what he conceived to be the cause of the distress. As he had before stated, the panic of 1825 was blown over by a large and sudden issue of 1*l.* notes: next came the embarrassments of1830, and from the nettle misery we plucked the flower liberty. The Reform Bill was passed; and he was inclined at first to regard that measure as a most beautiful creation; but he was sorry to say that it had turned out little better than a witch's phantom. When in 1836, the Bank of England attacked the joint-stock banks, and compelled them to contract their issues, the greatest misery ensued to large classes of the community, and especially to the working classes, who up to that period, had enjoyed much prosperity. The same misery prevailed to a still greater extent in 1837, and was attributable to the same cause; and for his part he conceived that the Government had been guilty of wilful neglect, in not having altered, before this, the existing law. Notwithstanding the

16,000,000*l.* to which the circulation of the Bank of England amounted—making, in addition to its deposits, a sum of 22,000,000*l.*, he would assert with confidence the disgraceful fact that the Bank was not possessed of more than 2,000,000 in sovereigns at Threadneedle-street. Their bullion was said to amount to 4,400,000*l.* Of this there was of course a large portion in silver. And he asserted, and he spoke upon good authority, that in Threadneedle-street there was not at this moment more than 2,000,000*l*, or at the utmost, 2,500,000*l.* in sovereigns. He would suppose a certain amount of bonds were sent over from America to this country. Nicholas Biddle might send over bonds which he sold at five per cent., the interest in New York being six per cent. He would suppose that bonds to the amount of three millions were sent over, and that these were discounted at 10 per cent. What would be the consequence? The holders of these bonds, after getting them discounted, would go with paper to the Bank of England in twenty-four hours. He could produce a demand on the Savings' Banks alone of 9,000,000*l.*, payable in ten days. Why, he could make a demand of 80,000,000*l.*, and stop the Bank of England to-morrow; and were they to sit still under such alarming circumstances without applying a remedy whilst the present system was throwing thousands of families into the utmost distress. Were but a hundredth part of the national debt demanded, a sum not exceeding 8,000,000*l.* sterling, the Bank of England would be obliged to stop payment to-morrow morning. Why, the country banks could make demands on the Bank of England to the amount of 10,000,000*l.* or 20,000,000*l* of sovereigns. They were living now in the midst of calamities; thousands of families were thrown out of bread; and, amid the various sources of danger by which they were surrounded, was it right that Government should permit the continued existence of this state of things, without making the slightest movement towards the investigation of their causes, or the application of a remedy? The business transacted now in bills of exchange was not of one-half the magnitude that it was a year ago. Public credit had, in fact, not only been injured but it had received a serious shock. The mercantile, trading, and labouring classes were, of course, the first sufferers; but even the fundholders would not escape. Whatever hon. Gentlemen might think, he contended that the fundholders would not only be eventually injured, but, of all the victims, would be most mercilessly treated. How differently (compared with that of England upon the subject) had been the conduct of Austria, of Prussia, of Russia—of those countries which they called "barbarians!" Compared (in certain respects) with England, they might justly be termed so. But if England were not herself barbarian, she, undoubtedly, had a barbarian Government; a Government, which for many years past had adopted barbarian measures, and acted on barbarian principles in the paper system which prevailed in this country. The silver ruble and the paper ruble had each, respectively, in Russia, their fair value attached to them. There was consequently no fictitious currency created; and public credit had been maintained upon a solid basis in that country for years. Russia flourished in peace; and she was able to go to war when she pleased. She had recently humbled the British Lion to the very dust. Though the noble Lord, the Secretary for Foreign Affairs, might forget the affair of the Vixen, the people of England never would. And the "barbarian" nation, as it was called, which had achieved this triumph, had been enabled to do so because its monetary system had been based upon principles of justice and of sound policy. The people of England had the experience of twenty-seven years, commencing with 1810, to prove that whenever the Government was slow to enforce the standard of value, the industry of the country was rapidly the gainer, and that, on the contrary, when they enforced the standard of value, the strangulation of the industry of the country was the consequence. Let not ministers "lay the flattering unction to their souls" that the people would bear with this continued depression of their industrial energies. They looked upon the Whigs as, in this respect, no better than the Tories. The Tories held a pistol to the people's head, and boldly cried "stand and deliver!" while the Whigs held out the hand of good fellowship on one side, and presented a dagger on the other. Had the industrious classes been properly represented in that House, these measures never would have passed. The idea by which the majority of hon. Members seemed to have been all along actuated was, that, no matter what number of the people might starve, the standard of value should still be preserved inviolate. They first made food scarce, and then they made money scarce—money, without which food could not be procured. This was their baneful policy. He trusted that by adopting his resolution, they would evince their determination to confer upon the country a real solid, and lasting prosperity. They should repeal their Poor Law, their Corn Law, and their Money Law Bills. If they were not relieved by law, the people would relieve themselves. Millions of the people were now in a state of destitution, or bordering upon it; and if relief were farther withheld, a civil war, like that which now prevailed in Spain, with all its incalculable calamities, might be the consequence. If the right hon. Gentleman the Chancellor of the Exchequer chose to exercise the necessary control over the Bank of England, every broken merchant in England would become rich in a month. He repeated his conviction that such would be the result, if the Chancellor of the Exchequer were to stop the Bank of England with regard to its issues to-morrow. He would not only retrieve those who had already been made sufferers, but he would save hundreds of others from sharing the same fate, prevent millions from being thrown out of employment, and convert a miserable into a happy people. The hon. Gentleman concluded by moving as an amendment to the order of the day, the following resolution; "that in the opinion of this House the present system of currency is not efficient to meet the wants and protect the interests of the community."

Lord *J. Russell* should not be doing his duty if he were to enter into this discussion. The hon. Gentleman had come down to that House and made a speech of nearly three hours duration without having given any notice whatever of his intention to bring the subject before the House, and had proposed a resolution which was inconsistent with acts of Parliament and with solemn resolutions of that House which had been affirmed after various debates. He must therefore protest against such a course as entirely incompatible with public convenience and the state of public business; and if such a resolution were to be carried by surprise on any occasion, he was convinced it would only tend to the embarrassment of that House, give rise to further debate, and be reversive of decisions already come to by the House on the subject. For these reasons he should altogether decline to enter upon the question proposed by the hon. Gentleman. He had proceeded in the regular course by asking the House to go into Committee on the Irish Poor Law Bill, which had been already several times before the House; but the hon. Gentleman had thought fit to interrupt that course, without notice, by entering into all the various questions connected with trade and currency, which the House had so frequently before entertained, thereby pursuing a course which was quite irregular, and which he would conceive he was only favouring and participating in if he attempted to reply to the hon. Gentleman's speech.

Sir *G. Sinclair* said, that had not the hon. Member for Birmingham brought this question forward, he (Sir G. Sinclair) would have considered it his duty to have done so, for the country never was in such a state, or so imperatively demanded the immediate interference of the Legislature. If there were hon. Members, therefore, in that House who believed that they would not be doing their duty to their constituents or the country, unless they called upon that House to interfere and endeavour to avert the additional evils to the manufacturing and labouring classes which were likely to flow from the present disastrous state of things, he did not see why they should be obstructed in that course, or told it was inconsistent. He thought, that the House should enter upon the consideration of the hon. Member's amendment.

Mr. *Young* entreated the hon. Member for Birmingham not to press his motion.

Mr. *D. Barclay* said, he was unwilling to let the hon. Member's statement go forth without stating that in his opinion, it was very much exaggerated. The present state of embarrassment was, in a great degree, if not entirely, owing to extraordinary speculations—an evil which he thought would rectify itself.

Sir *J. R. Reid* quite agreed in the observation which had fallen from the hon. Member for Sunderland. The present embarrassed state of affairs he believed to be nothing more than a passing cloud, and he had every hope that the country would shortly be relieved from the difficulties by which it was at present surrounded.

Mr. *Harvey* fully participated in the inconvenience which hon. Members felt would arise from the motion of the hon. Member for Birmingham, and he certainly did not think that the Government could be expected, on a subject of such grave importance, and without notice, to stand forward and combat the arguments and statements, some of which, perhaps, they did not understand, of so renowned a political economist as the hon. Member for Birmingham; the more particularly as that hon. Gentleman, conversant as he was with this subject, had deemed it necessary to take three hours for the delivery of his opinions on it. The Government, however, were not free from blame on this subject, for at the beginning of the Session, when a Committee had been appointed to inquire into the condition of joint-stock banks, they had refused to support the amendment proposed by the hon. Member for Middlesex, to the effect that the inquiry should embrace the conduct of the Bank of England. The Government were, he conceived, blameable on that head; and he would suggest that even now a Committee ought to be appointed to inquire how far the conduct of the Bank of England had tended to bring about the state of things which the hon. Baronet who had last spoken had assured them would turn out to be nothing else than a passing cloud. How far it proved a passing cloud to those upon whom it had broken, to those who were shadowed by its darkness, to the tens of thousands who were now striving to rise from circumstances over which they had no control, and were little acquainted with, events alone would show. Although the inconveniences which hung so heavily on the industry of the country, were doubtless pregnant with mischief, yet he did hope and believe that there would spring from them an advantage commensurate with the evil, inasmuch as it might lead the poorer classes to direct their minds to the cause of the delusion. They had an institution called the Bank of England, which possessed the mighty power of controlling the fortunes and despoiling the prospects of every man in the country. The mightiest masses of wealth were not beyond its blow, any more than the gatherings of the labouring man. He thought that the Government would not be doing its duty, and that the House would be departing from theirs, if they did not institute an inquiry into the cause whence sprung the present calamitous state of things, which was bearing down the prosperity and industry of the country. He agreed with very little of what had fallen from the hon. Member for Birmingham. Instead of a paper, he was an advocate for a metallic currency, at the same time that he was aware a metallic currency could not co-exist with a debt contracted in paper. We should have more money and less debt.

The House divided on the original motion:—Ayes 85; Noes 24: Majority 61.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Baines, E.
Barclay, D.
Barnard, E. G.
Bernal, R.
Bewes, T.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, E.
Burdon, W.
Collier, John
Collins, W.
Coote, Sir C.
Crompton, Samuel
Divett, E.
Farrand, R.
Fector, J. M.
Fergus, J.
Fitzsimon, C.
Forster, C. S.
Fox, C.
French, F.
Freshfield, J. W.
Gladstone, W. E.
Goulburn, H.
Grattan, J.
Grey, Sir G.
Hastie, A
Hawes, B.
Hay, Sir A. L., Bart.
Hinde, J. H.
Hindley, C.
Hodges, T. T.
Howard, R.
Hume, J.
Inglis, Sir R. H.
Jackson, Sergeant
Jephson, C. D. O.
Johnstone, Sir J.
Jones, T.
Lefevre, C. S.
Lister, E. C.
Longfield, R.
Martin, J.
Maule, hon. F.
Morpeth, Viscount
Musgrave, Sir R., Bt.
O'Connell, D.
O'Ferral, R. M.
Parker, J.
Parnell, Sir H.
Parry, Sir L. P.
Pease, J.
Pendarves, E. W.
Potter, R.
Pryme, G.
Pusey, P.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, Richard
Roche, W.
Roebuck, J. A.
Rundle, J.
Russell, Lord J.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Smith, R. V.
Smyth, Sir H., Bart.
Steuart, V.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Trelawney, Sir W. L.
Troubridge, Sir T.
Vivian, John Ennis
Warburton, H.
Wemyss, Captain
Whitmore, T. C.
Williams, W. A.
Wood, C.
Woulfe, Sergeant

TELLERS.
Baring, F. T.
Steuart, R.

List of the Noes.

Attwood, M.
Borthwick, P.
Bridgman, H.
Brownrigg, S.
Chichester, A.
Crawford, W. S.
Denistoun, A.
Dillwyn, L. W.
Elley, Sir J.
Forbes, W.
Halse, James
Harland, Wm. Chas.
Houldsworth, T.
Jones, Wilson
Maxwell, John
Palmer, George
Richards, John
Ruthven, E.
Scholefield, J.
Sibthorp, Col.
Sinclair, Sir G.
Wakley, T.
Wilmot, Sir J. E.
Wodehouse, E.

TELLERS.
Attwood, T.
Harvey, D. W.

Poor-laws Ireland.] The House in Committee on the Poor-laws (Ireland) Bill.

Lord *Stanley* objected to the 43rd Clause on the ground that it sanctioned the endowment by the State of 100 Roman Catholic clergymen in the various workhouses in Ireland. He therefore hoped it would be postponed with the view of devising some means of modifying its operation.

Lord *J. Russell* said, he had heard nothing to convince him of the inexpediency of this clause. With respect to the observation of the noble Lord, that it would, *pro tanto*, be endowing the Roman Catholic religion, he begged to remind the Committee that clergymen of that church were now paid by the State, in point of fact, they attended at the barracks in Dublin; and it would be unworthy a liberal Government not to provide the poor inmates of workhouses with religious instruction according to the creed they professed.

Sir *George Sinclair* thought the noble Lord's argument struck at the root of the Protestant Establishment in Ireland. If the State paid the Roman Catholic clergy employed in workhouses, they might as well endow Roman Catholicism at once.

Mr. *O'Connell* hoped the Government would persevere with the clause. The question was, whether the Roman Catholics confined in workhouses should be excluded altogether from the means of religious instruction and consolation in connexion with their own form of worship.

Lord *Stanley* maintained that the real question was, not whether the clergymen of any persuasion should be prohibited from visiting their flock in the workhouse, but whether, for the purpose of forcing the introduction of the Roman Catholic clergy into every workhouse in Ireland, they should establish a deviation from the English Bill, and compel the Commissioners to give them salaries unlimited in extent, and over which the rate-payers should have no control. In the English Bill, the appointment was vested in the Board of Guardians; but here a distinction was made in favour of the Roman Catholic clergy of Ireland, which Parliament had not thought it necessary to make in favour of the Protestant clergy of England.

Viscount *Howick* contended, that the circumstances of the two countries were altogether different. The question was, whether religious instruction should not be provided for the inmates of the workhouses in Ireland, because the great majority might be Roman Catholics.

The Committee divided on the clause:—Ayes 122; Noes 36: Majority 86.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Baring, W. B.
Baring, T.
Berkeley, hon. G.
Berkeley, hon. C.
Bewes, T.
Biddulph, R.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Callaghan, D.
Chalmers, P.
Chapman, L.
Clive, E. B.
Codrington, Admiral
Collier, J.
Coote, Sir C.
Crawford, W. S.
Dalmeny, Lord
Denistoun, J.
Dillwyn, L. W.
Donkin, Sir R.
Elphinstone, H.
Evans, G.
Fazakerley, J. N.
Ferguson, Sir R.
Finn, W. F.
Fitzsimon, C.
French, F.
Gordon, R.
Goring, H. D.
Grattan, J.
Grey, Sir G.
Hastie, A.
Hay, Sir A. L.
Heneage, E.
Hobhouse, Sir J.
Hodges, T. L.
Howick, Viscount
Hutt, W.
James, W.
Jephson, C. D. O.
King, E. B.
Knight, H. G.
Labouchere, H.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Longfield, R.
Lucas, E.
Lynch, A. H.
Mactaggart, J.
Martin, J.
Martin, T.
Morpeth, Viscount
Mullins, F. W.
Murray, J. A.
Musgrave, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Ord, W.
Palmer, General
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P. J.
Pechell, Captain
Ponsonby, J.
Ponsonby, W.
Power, J.
Pryme, G.
Pusey, P.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Ruthven, E.
Scourfield, W. H.
Scrope, G. P.
Seymour, Lord
Steuart, R.
Stuart, Lord J.
Stuart, V.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Tooke, W.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Vigors, N. A.
Wakley, T.
Walker, R.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Williams, W.
Williams, W. A.
Williamson, H.
Wilson, H.
Wood, C.
Wood, Alderman

Worsley, Lord
Woulfe, Sergeant
Wyse, T.

TELLERS.
O'Ferrall, M.
Smith, R. V.

List of the NOES.

Acheson, Viscount
Agnew, Sir A.
Archdall, M.
Baines, E.
Bateson, Sir R.
Bolling, W.
Buller, Sir J. Y.
Chichester, A.
Dick, Q.
Dunbar, G.
Dundas, hon. T.
Elley, Sir. J.
Forbes, W.
Fox, C.
Gladstone, W. E.
Goulburn, H.
Hamilton, G. A.
Hector, C. J.
Hume, J.
Jackson, Sergeant
Inglis, Sir R. H.
Irton, S.
Johnston, A.
Jones, T.
Kearsley, J. H.
Lefroy, right hon. T.
Lygon, hon. General
Mackenzie, T.
Marsland, H.
Patten, J. W.
Plumptre, J. P.
Richards, J.
Sheppard, T.
Stanley, Lord
West, J. B.
Wilbraham, B.

TELLERS.
Ross, G.
Sinclair, Sir G.

The clause added to the Bill.

On Clause 47 being put, "That Commissioners may visit and regulate hospitals and other charitable institutions not wholly supported by voluntary contributions,"

Mr. Sergeant *Jackson* moved, that the words "or by private endowments," be added. He thought that institutions thus supported should not be subject to the control of the Commissioners.

Viscount *Morpeth* said, he considered the amendment judicious, and he would not object the insertion of the words.

Mr. *O'Connell* thought it would be advisable to postpone the clause.

Mr. *Wakley* thought the principle of this clause unconnected with any other involved in the Bill, and that it would have a most injurious bearing on the interests of the medical profession. He moved that it be postponed.

On this amendment the Committee then divided :—Ayes 13; Noes 109: Majority 96.

List of the AYES.

Bridgman, H.
Crawford, W. S.
Ferguson, R. A.
Fitzsimon, C.
Musgrave, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ruthven, E.
Vigors, N. A.
Warburton, H.
Wyse, T.

TELLERS.
Wakley, T.
O'Connell, D.

List of the NOES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Archdall, M.
Baines, E.
Bannerman, A.
Baring, F. T.
Bateson, Sir R.
Bell, M.
Bewes, T.
Blackburne, I.
Blake, M. J.
Borthwick, P.
Bowes, J.
Bowring, Dr.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, Sir J. Y.
Callaghan, D.
Cayley, E. S.
Chalmers, P.
Chapman, L.
Collier, J.
Corry, right hon. H.
Dalmeny, Lord
Damer, G. L. D.
Dick, Q.
Dowdeswell, W.
Ebrington, Viscount
Ellice, E.
Elphinstone, H.
Etwall, R.
Evans, G.
Forbes, W.
Forster, C. S.
Fox, C.
Fremantle, Sir T.
French, F.
Gordon, R.
Goulburn, H.
Grattan, J.
Grattan, H.
Griesley, Sir R.
Grey, Sir G.
Hamilton, G. A.
Hastie, A.
Hector, C. J.
Herries, J. C.
Hinde, J. H.
Hobhouse, Sir J.
Hodges, T. L.
Howard, P. H.
Howick, Viscount
Hughes, W. H.
Jackson, Sergeant
Ingham, R.
Inglis, Sir R.
Irton, S.
Jones, T.
Labouchere, H.
Lefroy, A.
Lefroy, hon. T.
Lennox, Lord G.
Lennox, Lord A.
Longfield, R.
Lucas, E.
Lynch, A. H.
Martin, T.
Maxwell, J.
Morpeth, Viscount
Mostyn, hon. E.
Mullins, F. W.
Murray, J. A.
Nicholl, J.
O'Ferral, R. M.
Parker, J.
Parrott, J.
Parry Sir L. P.
Patten, J. W.
Perceval, Colonel
Ponsonby, J.
Pryme, G.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord John
Scrope, G. P.
Smith, R. V.
Stanley, Lord
Stuart, V.
Talbot, J. H.
Thomas, Colonel
Thornley, T.
Tooke, W.
Trevor, G. R.
Troubridge, E. T.
Wallace, R.
West, J. B.
Wilbraham, G.
Wilbraham, B.
Williams, W.
Williams, W. A.
Williamson, H.
Wood, Alderman
Woulfe, Sergeant
Young, G. F.

TELLERS.
Steuart, R.
Hay, Sir A. L.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 6, 1837.

MINUTES.] Petitions presented. By Lord HATHERTON, from Sudbury, that the rates upon small tenements may be paid by the landlords.—By the Bishop of ROCHESTER, the Archbishop of YORK, and the Earl of HAREWOOD, from various places, against the abolition of Church-rates. —By the Earl of FITZWILLIAM, from Morley, in the West Riding of York, for the abolition of the Corn-laws.

PRIVILEGE — COMMONS' RESOLU-

TIONS.] Lord *Ellenborough* said, that when the noble and learned Lord opposite had given notice a few days since of his intention that day to take notice of the resolutions which had been recently adopted in the House of Commons, he had ventured, with very great respect, to submit to the noble and learned Lord, that no motion, under the circumstances, ought to be submitted to their Lordships without mature and grave consideration, inasmuch as it would lead to difficulties of no ordinary nature, if they were to entertain a question of privilege without being absolutely obliged to entertain it. He had stated his conviction of this when the noble Lord gave notice of his intention, and since then the consideration he had given the subject had strengthened him in his first impression, and he would therefore venture again to press upon the consideration of the noble and learned Lord what he had then ventured to state; and also that in reference to the resolutions adopted by the House of Commons, although their Lordships could take notice of them in the proceedings of their own, or on a communication to the House of Commons, yet that being so, still as these resolutions had not been communicated to their Lordships, as there had been no step taken for this purpose, and also as the House of Commons had not yet acted upon them, the time had not yet arrived when it would be proper to make a motion with respect to them. He would therefore venture to suggest to the noble and learned Lord whether he would not reconsider his determination.

The Duke of *Richmond* also hoped that his noble and learned Friend would postpone his motion.

Lord *Lyndhurst* joined with the noble Duke and noble Baron in requesting of the noble and learned Lord to postpone his motion. As nothing had yet been done with respect to the resolutions, there was not an absolute necessity for their proceeding immediately to their consideration.

Lord *Denman:* When the noble Lord opposite, a few nights since, expressed his hope that I would not proceed upon a matter of such very great importance as this without mature consideration, I assured the noble Lord at that time, that I had given it my most mature consideration, and I will venture to say, that the observations which he then made, and which I considered of very great weight, have since received from me the most full and mature consideration. They have all passed in my mind; but notwithstanding all these considerations, I thought it was the less evil on my part to take some notice of what had passed, than allow matters to go on without noticing it at all. My Lords, I cannot very sincerely say that I think it better at present to forego the consideration of a question of such immense importance. Although these resolutions have not been communicated to your Lordships, and although no steps have been taken concerning them by the House of Commons, I certainly thought, as they were upon the votes which are regularly laid on your Lordships' table, and more particularly as those resolutions are not confined to the assertion of the privileges of that House, but refer to the privileges of both Houses, I certainly am of opinion that the circumstances that have taken place, give me a fair and proper opportunity to bring the matter before your Lordships. My Lords, I consider myself as an individual standing in a situation of accusation, if not of conviction. I find my conduct has been considered rash in doing that which, as one of the sworn judges of the land, it was my duty to do; and which duty I should have deserted had I not done as upon that occasion I did—that is, in laying down the law as I believe it in my conscience to be. I see no cause to change my opinion from the discussion that has taken place. I am ready, my Lords, to lay down that opinion the very moment I am convinced that it is incorrect; but to which I will adhere to the very last moment of my life as long as in my conscience I think it is correct. I certainly thought that it was my duty to take the first opportunity of disclaiming the charges of acting with rashness and impropriety. In making these observations, I wish not to become the voluntary censor of so important an assembly as the House of Commons; but I thought that the opportunity was given for entering into the consideration of an important subject, and to which we were invited—and at least of checking the adoption of resolutions on the part of others, which, I confess, from anything that has passed, ought to be founded upon better arguments than any that I am yet aware of. Though I felt that I was bound to discuss the subject now, yet it is impossible for me to resist an impression which I think I perceive to be general among your Lordships. I have to thank the noble Baron opposite for the courtesy with which he gave his advice, and I am sure any thing that falls from the noble Duke will always be entitled to the utmost respect on my part. I think I see an impression among your Lordships that this matter ought not to be brought forward, unless there is something like a necessity for it. I, however, beg leave to say, that in adopting that advice, I do not withdraw the notice of a motion that I gave, but I reserve to myself at some future period, when other events may make such proceedings necessary, the right of bringing this matter before your Lordships. I should wish to name some other day to which this notice might be postponed. I am told that on Thursday it is quite impossible to expect that there should be any attendance here, and I should be sorry not to have the matter considered by an inconsiderable number of your Lordships. On Friday your Lordships' time will be occupied by an important matter. Monday happens to be the last day of term, and it is well known that judges on that day cannot attend anywhere but in Westminster-hall. I shall therefore beg leave that this motion may remain on your Lordships' books till Tuesday, reserving to myself the right, if I then think proper, of calling your Lordships' attention to it.

Motion postponed till Tuesday.

HOUSE OF COMMONS,

Tuesday, June 6, 1837.

MINUTES.] Bills. Read a first time:—Law of Copyright.

Petitions presented. By several hon. MEMBERS, from various places, for the abolition of Church-rates.—By several other hon. MEMBERS, from various places, against the abolition of Church-rates.—By Mr. BAGSHAW, from merchants of London, to promote steam communication with India *viâ* the Red Sea.—By Mr. WILKS, from householders of Cripplegate Without, for a reform of the Corporation of London.

LONDON AND BRIGHTON RAILWAYS.] Mr. *Curteis* said, that it would be in the recollection of the House, that he had presented several petitions from a Mr. Mills, asking for a Select Committee on the ground that the promoters of Stephenson's line had given false evidence before the Committee on private bills. These persons were reported to have alleged, that they had complied with the standing orders in every particular. Now, in no less than thirty-seven out of fifty-five miles, they had not complied with the standing orders. There were, besides, twenty-one other instances of non-compliance with those orders on their part. He next came to that part of the notice in which he had declared, that he should call before the notice of the House the conduct of Government respecting the several Brighton Railways; and he felt he could not possibly be placed in a situation of more difficulty than that in which he now stood, being most unwilling to make any violent charges against a set of gentlemen to whom he had ever given his most cordial support; and it was only from his sense of what was due to a very large body of his constituents, that he had been induced to take this course. Two requisitions, most respectably signed, had that day reached him, desiring that he would call the attention of the House to the conduct pursued by his Majesty's Government on a late occasion. He felt most strongly the injustice of the usage his constituents had received. If he were to consult his own feelings, undoubtedly he should use stronger language; but he would then only say, that, considering gross injustice to have been done to a large portion of his constituents, he never would consent to sit quiet, whether he were an adherent of one Government or another, without raising his voice in reprobation of that injustice. A requisition was almost momentarily got up, and signed by nearly 400 persons, calling a large town meeting to take this subject into consideration. He would move, that "a Select Committee be appointed to inquire into the allegations contained in the petition of Mr. Mills, which was presented on the 2nd of May last, relative to the conduct of certain parties in respect to Stephenson's line of Brighton Railway, and to the conduct of Government with respect to the same Railway."

Captain *Pechell* must say, that it appeared to him that Ministers had acted partially; as he could not conceal from himself the fact, that they had lent themselves to a party against which a large majority of the Committee of that House had decided. The conduct of his Majesty's Ministers had excited an extraordinary sensation amongst his constituents; and if such conduct were continued, he must cease to give them that support which he had hitherto so strenuously, cheerfully, and cordially given them. He thought, that they had been led astray by the right hon. Gentleman, the President of the Board of Trade (Mr. P. Thomson). Delay was the object of all these proceedings, and to that delay the Government had most unjustifiably lent themselves. With respect to a statement which had been made on a former evening as to a noble Lord, the Member for Hythe (Lord Melgund), voting on this Bill, forty-eight hours after he had taken his seat; he (Captain Pechell) could state, that that noble Lord had been canvassed by the other party for his vote, almost, he believed, before the writ was sent down to Hythe; and what was also extraordinary, the noble Lord (Lord A. Lennox) who made the accusation, had himself attended only four days out of the twenty-seven during which the Committee had sat.

Mr. *C. Barclay* opposed the motion. It would be highly inexpedient for the House to appoint a Committee, for it could lead to no result; and he did not, for a moment suppose, that the hon. Member would divide upon the question. The charge against the Ministry he considered to be totally unfounded; the course they had taken, was one which they had a perfect right to take.

Sir *H. Verney* said, that in his opinion, so far from the Government deserving censure for the course they had adopted on this occasion, he was inclined to charge them with neglect in not having adopted some such course before. It was not, however, now too late; and he thought it was the duty of the Government immediately to appoint a Commission of Military and Scientific Engineers to inquire into the subject of all Railroads—a subject which involved such an enormous amount of property—and to report thereon to the House. This course would be much more creditable to the House, and more advantageous to the country.

Mr. *Hume* thought, that the motion of his hon. Friend would not answer the object he had in view, and he therefore hoped he would withdraw it, and allow his (Mr. Hume's) motion on the same subject to come on.

Mr. *Curteis* said, as he saw the feeling of the House was against him, he would not give it the trouble of dividing.

Motion withdrawn.

Mr. *Hume* rose to move, that all the documents and surveys relating to Mills's line of Railway to Brighton, be referred to the engineer, who should be directed to report upon it in the same manner as on the other lines. He brought forward this motion in consequence of the proceedings that had taken place on a former evening in that House, regarding the Report of the Committee on the Brighton Railways, when the Report of the Committee was set aside, and the matter referred to a military engineer. The proceedings of that day had entirely altered the rules of the House with regard to the Committees, and he thought it highly important that some final decision should be come to. He must say, that in his opinion the conduct of the Government on this subject, was quite inconsistent. They were condemning the course one day, which they recommended and established on the next. When some short time since his hon. Friend, the Member for Southwark (Mr. Harvey), proposed that the Government should appoint some person to make inquiry into every line of Railroad before a Bill was introduced, the right hon. Gentleman, the President of the Board of Trade, objected to it; and shortly after, when the hon. Baronet behind him (Sir H. Verney), brought forward a motion for the appointment of a Commission of Military Engineers for the same purpose, the right hon. Gentleman also objected to it. What was the result? On Thursday last, the Committee which had decided in favour of Sir J. Rennie's line, brought up their Report. If the usual course had been followed—if justice had been done—if the Government had not interfered, that House would have affirmed the rule laid down; but the right hon. Gentleman, the President of the Board of Trade, overruled this, and told the House, that he was not satisfied with the Report of the Committee; and in consequence of the motion of the right hon. Gentleman, by a majority of 164 to 157, the Report of the Committee was set aside. This was in the face of three decisions of the House. He was sure, that the object of referring those lines to an engineer, was to obtain the best line; and there could be no objection to his motion, the object of which was to send Mills's line also to the engineer, so that he might choose out of the three lines which was the best. This appeared to him to be extremely fair; and he would, therefore, conclude with the motion to this effect.

Mr. *Gillon* said, that if the course which had been adopted on this occasion by the Government, had been pursued two years ago, it would have saved upwards of two millions to the public. The present system was injurious to the public and disgraceful to the Legislature.

Mr. *Poulett Thomson* must say, with reference to the proposition of the hon. Member for Middlesex, he could scarcely believe that the hon. Member was in earnest in making this motion. The hon. Member for Middlesex said, that an engineer was appointed by order of the House to consider certain defined lines of Railway, and that it would be a hard case if they did not take that opportunity of admitting the other (Mills's) line, that its merits might also be ascertained. The hon. Member seemed to forget, that the standing orders stated the practice of the House with regard to private bills; and he seemed also to forget the grounds upon which these orders rested. They were for the protection of private property. Mills's line, as far as he could recollect, came in the ordinary course before the House, and was rejected because the parties had not complied with the standing orders. The subject was mooted in that House, and the House was of opinion that it was impossible to admit this line without contravening the standing orders, and that the parties ought to suffer for the negligence, or omission, or whatever else it was, of the persons who had the introduction of the Bill; and the House declared, that it was impossible to allow the Bill to proceed under these circumstances, unless they were prepared to set aside altogether the standing orders. It seemed to him utterly impossible that this line could be referred under any circumstances with the other two, to the military engineer. He would come, then, to make a few observations on what had fallen from the hon. Member for Middlesex, with reference to the motion which had been carried the other day, for referring those lines to an engineer. He must complain of the conduct of the hon. Member for Middlesex, who had not given himself any trouble whatever to understand this question, or of learning the course which he had recommended. He was not surprised, seeing clearly the hon. Member did not understand this question, that he should have charged him with inconsistency. He thought he could show most clearly, that so far from there being any inconsistency in his course, he had been consistent throughout. The charge was, that he had declared himself opposed to a proposition for referring all Railroads to the judgment of some Government engineers; that he then said he was determined to abide by the decision of the Committees, but that he now took a different course. He certainly did declare against referring these Railways, in the first instance, to Government engineers, who should decide upon their merits. He had never stated, that the House was to be guided by the decisions of the Committees; on the contrary, the Report of the Committee in 1836 was in direct opposition to this opinion—this opinion was in direct opposition to the practice which prevailed, and which he had invariably endeavoured to press upon the House. He could refer to the Report of the Committee of 1836, to show that he was correct in this statement. The Report, after stating certain rules and regulations for the conduct of Committees, went on to state, that the Committee most earnestly impressed upon the House the absolute necessity of giving their attention to Bills which came before them upon the further consideration of the Report, and attentively to consider the Report submitted to them, so that the House might be enabled, when competing lines were brought before them, to come to a decision upon the comparative merits of each. These were the principles which he had never ceased to press upon the House in all their discussions. All the information which he (Mr. P. Thomson) had to guide him in this question, was that afforded him by the Committee in the Report, which was made in pursuance of a special order of the House, with a view to assist the House in determining which of the conflicting Railways they should send back to the Committee, for the landowners to be heard with respect to their claims. Now, he had examined this Report, and he could not see that it afforded any satisfactory information on the particular point which the House had to determine, and with a view to determine which this special Report was called for. He would ask any Gentleman who had studied the Report, whether he had found it sufficiently explicit to enable him to make up his mind as to which line should be selected? He thought they would all agree, that the information which they required was not contained in this Report, and, such being the case, they were called upon to seek it by other means.

Mr. *Curteis* thought the Committee on this Bill had been very unfairly treated, and that they ought to be allowed to have the military engineer before them, to see whether he was a competent person to give an opinion in the matter.

The House divided:—Ayes 33; Noes 71: Majority 38.

List of the AYES.

Aglionby, H. A.
Alsager, Captain
Alston, Rowland
Beauclerk, Major
Bonham, R. Francis
Bowring, Dr.
Bridgman, H.
Chapman, M. L.
Collins, W.
Crawford, W. S.
Crawford, W.
Curteis, H. B.
Duncombe, T.
Elphinstone, H.
Fector, John Minet
Forbes, William
Fremantle, Sir T. W.
Gordon, R.
Hamilton, Geo. Alex.
Hodges, T. T.
Jervis, John
Marsland, Henry
Mullins, hon. F. W.
Musgrave, Sir R., Bt.
O'Brien, W. S.
O'Connell, D.
Parry, Sir L. P.
Pechell, Captain
Polhill, Captain F.
Ruthven, E.
Sinclair, Sir George
Stanley, Edward
Strickland, Sir Geo.
Thompson, Colonel
Tulk, C. A.
Verney, Sir H., Bart.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Walker, Richard
Wallace, R.
Wigney, Isaac N.
Williams, W.

TELLERS.

Gillon, W. D.
Hume, J.

List of the NOES.

Agnew, Sir A.
Bailey, J.
Balfour, T.
Barclay, C.
Baring, F. T.
Barnard, E. G.
Bewes, T.
Biddulph, Robert
Blunt, Sir C.
Bramston, T. W.
Brotherton, J.
Buller, Sir J. B. Yarde
Burrell, Sir C. M.
Chaplin, Colonel
Clive, Edward Bolton
Dillwyn, L. W.
Dowdeswell, William
Dunbar, George
Fergusson, R. C.
Fitzroy, H.
Goring, H. D.
Graham, Sir J.
Guest, J. J.
Hastie, A.
Hawes, B.
Hay, Sir A. L., Bart.
Heathcote, G. J.
Hector, C. J.
Heron, Sir R., Bart.
Houstoun, G.
Howard, P. H.
Lennox, Lord George
Lennox, Lord Arthur
Lowther, J. H.
Lynch, A. H.
Mactaggart, J.
Marshall, William
Maule, hon. F.
Maunsell, T. P.
Palmer, George
Pelham, John C.
Plumptre, John P.
Pryse, Pryse
Pusey, P.
Richards, Richard
Ross, Charles
Rushbrooke, Col.
Russell, Lord John
Sandon, Viscount
Sanford, E. A.
Sheppard, Thomas
Somerset, Lord G.
Stanley, Lord
Steuart, R.
Strangways, hon. J.
Surrey, Earl of
Talbot, C. R. M.
Thomas, Colonel
Thompson, C. P.
Thompson, Ald.
Tooke, W.
Trelawney, Sir W. L.
Vivian, J. H.
Wilde, Sergeant
Williams, W. A.
Winnington, H. J.
Wood, Colonel
Wortley, hon. J.
Wrottesley, Sir J.
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Hope, Henry T.
Lefevre, Charles S.

POOR-LAWS (IRELAND).] The House resolved itself into a Committee on the Poor-laws (Ireland) Bill.

The Clauses from 49 to 59 were agreed to.

The House resumed; Committee to sit again.

HOUSE OF COMMONS,

Wednesday, June 7, 1837.

MINUTES.] Bills. Read a second time:—Public Walks.

Petitions presented. By Mr. CHICHESTER, Sir G. CREWE, Sir W. FOLKES, Mr. HOULDSWORTH, Sir John BULLER, Mr. FORBES, Mr. FORSTER, and other hon. MEMBERS, from various places, for enforcing a better Observance of the Lord's-day.

MERCHANT SHIPPING.] Mr. Buckingham moved the second reading of the Merchant Shipping Bill.

Mr. *Poulett Thomson* would put it to the House whether it was advisable to read this Bill a second time. He considered the Bill so faulty in its details, that in his opinion, and he believed in the opinion of the House, it would be impossible ever to carry it into a law. When the hon. Member for Sheffield introduced this Bill, he took the liberty of recommending the hon. Member to avoid as much as possible entering into minute details in framing it. He was sorry that the hon. Member did not think it advisable to adopt that suggestion, as the Bill went into a series of details of the most extraordinary nature, and which were calculated to destroy the whole mercantile law of this country, and to establish in its place a new and arbitrary power. The measure was of a character which he was sure could not receive the consent of the House, and he hoped the hon. Member would not press the second reading to a division. If the Bill went into Committee, he did not think that the Committee could reduce it to such a shape as to induce the House to agree to it. In the first place the Bill established a very expensive marine board, with power much beyond that of the

Legislature; in point of fact, with supreme power. The Bill proposed that this board should draw up a code of mercantile laws, and that from the moment these laws should be published in a cheap form they should be conclusive. The Bill proposed also that this board should decide upon all cases of dispute between shipowners, underwriters, &c., and that their decisions should be final; thus completely setting aside the courts of law. When the hon. Member first introduced this measure, he stated those parts of it in which he concurred. He agreed, for instance, as to the propriety of some inquiry being made by competent and responsible persons into the causes of shipwrecks, and he agreed also that some examination ought to take place into the qualifications of masters in the merchant service. The Bill proposed to make this examination compulsory, and he certainly could not agree to that, as he thought it would be an unjust interference with the rights of the shipping interest. On this subject he proposed to introduce a clause in the Pilotage Bill, which would place the examination of masters, as far as pilotage was concerned, under the control of the Trinity-house. It might then be a matter of consideration whether they would extend the examination further, and whether a full voluntary examination should not take place before the body. He should be glad to assist in carrying these objects into execution, but the present Bill involved considerations of such great importance, that he should not be justified in giving his consent to the second reading.

Mr. *Ingham* did not think that the right hon. Gentleman had shown sufficient reasons to induce the House to reject the Bill on the second reading. The right hon. Gentleman admitted that there were parts of the Bill which he approved of; why refuse, then, to go into Committee, when those parts of the Bill which were objectionable might be left out, and those clauses only retained which should be considered judicious and reasonable.

Mr. *Hume* begged the House to recollect that this Bill arose out of a long inquiry before a Committee of the House. If it were only for Clause 13, which established inquiry in case of shipwreck, he thought the Bill ought to be allowed to go into Committee. Many persons were yearly shipped from our shores in vessels wholly unseaworthy, and hundreds were drowned, but no inquiry took place. It appeared to him that a mercantile power like Great Britain ought above all things to endeavour to make her shipping secure by every possible means. He hoped, therefore, that the House would not reject the second reading of this Bill, but let it go into Committee. He thought that the matter was one which ought to have been taken up by his Majesty's Government.

Mr. *G. F. Young* agreed with the right hon. President of the Board of Trade, that the causes of shipwreck and examination of masters were objects that well deserved inquiry; but the present Bill was such a legislative monstrosity, and so utterly incapable of being worked out with any beneficial result, that he thought it would be only wasting the time of the House and holding out delusive expectations if they were to agree to the second reading. He would therefore move, that the Bill be read a second time that day six months.

Mr. *A. Chapman* seconded the amendment, and said, that he trusted that the House would not allow itself to be led away by fanciful speculations which were wholly at variance with experience.

Sir *E. Codrington* said, that it seemed to be generally agreed that the principle of this Bill was good, and that something should be done, the only difference being as to certain clauses. But surely the necessity of amending certain clauses did not justify the House in rejecting the Bill altogether. These clauses might be discussed and amended in Committee, and, therefore, if only for the sake of humanity, he hoped the House would agree to the second reading of the Bill.

Mr. *Labouchere* begged to say, that the hon. and gallant Officer was mistaken in supposing that his right hon. Friend (Mr. P. Thomson) agreed to the principle of this Bill. He certainly approved of the object of the Bill, but the principle and the object were distinct things. He (Mr. Labouchere) conceived the principle of the Bill to be a vexatious interference with the shipping interest of the country, to which he was most decidedly opposed. Whilst, therefore, he also approved of the object of the Bill, he thought if the House sanctioned its second reading they would be spreading alarm among the shipping interest; and that if the Bill were carried into effect it would inflict a great blow upon that interest, and at the same time be highly injurious to the seamen themselves. He quite agreed with the hon. Member that it was desirable to have an inquiry into the number and causes of shipwrecks; but he did not think that the machinery of this Bill was necessary for the attainment of that object. Upon every view of the case, therefore, he thought that they would be best consulting the interests of all those connected with the mercantile shipping of this country by not allowing this Bill to be read a second time.

Mr. *Buckingham* said, that the subject of shipwrecks had been referred to a Select Committee last year, of which he had the honour of being appointed chairman, and the result of that Committee's inquiry was to prove that upwards of three millions sterling of property and a thousand lives were annually sacrificed in the present state of the shipping of this country. It appeared also to the Committee that if a better system were to be established, at least two-thirds of that property and half of the sacrifice of life might be saved for the future. If the Members of his Majesty's Government would promise to take the matter upon themselves, as they had done in the case of the emigration ships, he should be satisfied to leave it in their hands, for he could not see why the sailors of the British merchant service were not entitled to the same amount of protection which had been extended to emigrants. But if it were proposed to apply the benefit of inquiry in cases only where loss of vessels and of life had already occurred, he should disagree from that proposal as far from an efficient one; prevention in his mind was far better than any *post facto* measures of this kind. He had not the least objection to allow his Bill to be referred to a Committee up stairs,—let but the object which he had in view be accomplished, and he should be satisfied. It was his intention to persevere in his motion, under the understanding that if his Bill were read a second time now it should be referred to a Committee up stairs.

The House divided on the original motion:—Ayes 28; Noes 176: Majority 148.

List of the AYES.

Aglionby, H. A.
Barnard, E. G.
Bateson, Sir R.
Bewes, T.
Brodie, W, B.
Brotherton, J.
Bruce, C. L. C.
Cayley, E. S.
Chandos, Marquess of
Codrington, Admiral
Gaskell, Daniel
Gaskell, Jas. Milnes
Gladstone, W. E.
Hindley, C.
Maxwell, J.
Musgrave, Sir R.
O'Connell, J.
O'Connell, M. J.
Pease, J.
Pechell, Captain
Potter, R.
Ruthven, E.
Tancred, H. W.
Thompson, Colonel
Wakley, T.
Wilbraham, G.
Williams, W.
Wortley, Hon. J. S.

TELLERS.

Buckingham, J. S.
Ingham, R.

List of the NOES.

Agnew, Sir A.
Alsager, Captain
Angerstein, J.
Ashley, Visct.
Bailey, J.
Balfour, T.
Bannerman, Alex.
Barclay, C.
Baring, F. T.
Baring, T.
Becket, rt. hon. Sir J.
Bell, M.
Berkeley, hon. F.
Bethell, R.
Blackburne, I.
Blunt, Sir C.
Bonham, R. Francis
Borthwick, Peter
Bowes, John
Brady, D. C.
Bramston, T. W.
Bridgman, H.
Buller, Sir J. Y.
Burdon, W. W,
Callaghan, D.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Cavendish, hon. G. H.
Chapman, L.
Chapman, A.
Chichester, A.
Clerk, Sir G.
Clive, Edward Bolton
Colborne, N. W. R.
Compton, H. C.
Conolly, E. M.
Corbett, T. G.
Crewe, Sir G.
Dalmeny, Lord
Darlington, Earl of
Denistoun, J.
Dillwyn, L. W.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, T.
Duncombe, hon. W.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Ellice, E.
Elphinstone, H.
Estcourt, T.
Evans, G.
Fazakerly, J. N.
Finch, G.
Fitzroy, hon. H.
Folkes, Sir W.
Follett, Sir W.
Forbes, Wm.
Forster, C. S.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, Robert
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hn. Sir J.
Grey, Sir Geo.,
Grimston, hon. E. H.
Grote, G.
Halse, J.
Hardy, J.
Harland, Wm. Chas.
Hastie, A.
Hawes, B.
Hawkes, T.
Hayes, Sir E. S.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Herbert, hon. S.
Heron, Sir R.
Hinde, J. H.
Hope, J.
Houstoun, G.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnston, A.
Jones, W.
Jones, T.
Irton, Samuel
King, E. P.
Labouchere, rt.hon.H.
Lawson, A.
Lefroy, A.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Lister, E. C.
Lowther, J. H.
Lushington, Dr.
Lushington, C.
Lygon, hon. General
Mackinnon, W. A.
Mactaggart, J.
Mangles, J.

Marsland, Henry
Maunsell, T. P.
Melgund, Viscount
Miles, W.
Molesworth, Sir W.
Mordaunt, Sir J.
Mosley, Sir O.
Mostyn, hon. E.
Murray, rt. hon. J. A.
Neeld, Joseph
Nicholl, J.
Ord, W.
Paget, Frederick
Parrott, J.
Pattison, J.
Pendarves, E. W. W.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Ponsonby, hon. J.
Price, R.
Rae, rt. hon. Sir W.
Rice, right hon. T. S.
Richards, R.
Rickford, W.
Roebuck, J. A.
Ross, C.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Stuart, P. M.
Stuart, Lord J.
Strutt, E.
Sturt, H. C.
Thompson, rt. hon. C.
Thomson, P. B.
Thompson, Alderman
Thornely, T.
Tracey, C. H.
Trelawny, Sir W.
Troubridge, Sir E. T.
Turner, W.
Verner, Colonel
Vigors, N. A.
Vivian, G. H.
Wall, C. B.
Warburton, H.
Ward, H. G.
Weymss, Captain
Whitmore, T. C.
Wilks, J.
Williamson, Sir H.
Wilmot, Sir J. E.
Wilson, H.
Winnington, H. J.
Wood, C.
Wrottesley, Sir J.
Wyndham, W.
Young, J.
Young, Sir W.

[TELLERS.
Hutt, W.
Young, G. F.

LORD'S-DAY.] Sir Andrew Agnew moved the second reading of the Lord's-day Observance Bill.

Mr. *Plumptre* was understood to say that there existed in that House a great, perhaps, a morbid sensibility as regarded discussions upon religious subjects, a feeling in which he did not participate, and the existence of which in the minds of others should not deter him from expressing frankly and fearlessly the views which in his conscience he believed to be consonant with the doctrines of the Christian religion, and with the duties and responsibility which he conceived to have devolved upon the Members of that House. Whatever might be the sentiments prevalent within those walls, he did not for a moment hesitate to say, that there existed out of doors a very strong opinion that the Legislature of a nation enjoying so many and such distinguished temporal blessings lay under a deep responsibility to observe, and as far as temporal authority could go, to enforce, the injunctions of the sacred Scriptures; and he affirmed that one of the most important and binding duties which the Parliament of Great Britain had to perform was to enforce the observance of the Lord's-day. The hon. Member for Bath had on a former occasion made references to the sacred volume. Without then offering any commentary upon the manner in which hon. Members might at various times have made allusion to the holy Scriptures, he would take upon himself to say, that when the question was in its own nature essentially a religious question, and when the reference was made in a reverent and becoming mode it was a course perfectly unobjectionable, and, indeed, absolutely necessary, for the Bible was the authority upon which the supporters of the present measure principally relied. The hon. Member for Bath was by no means successful in his application of Scripture, for the extracts he read and the quotations he made, were anything but favourable to the positions for which he contended; he proposed to lay before the House a short passage, which, in his judgment, would go far to set the question at rest. [The hon. Member read a considerable portion of the 17th Chapter of Jeremiah, beginning at the 19th verse.] It had been said more than once in the discussions which took place upon similar Bills, that there existed no such obligation as the promoters of those measures thought upon the Christian communities of the world to pay such observance to the Sabbath as the Scriptures of God enjoined; why, they might as well say that the second table of the Decalogue was not binding upon Christians as to make any such assertion. Our Lord and Saviour most distinctly declared that he came not to destroy but to fulfill—he did not by implication abrogate any portion of the law. The obligations in reference to the observance of the Lord's-day remained precisely where they had been placed as regarded the observance of the Sabbath. An attempt to do away with one portion of the decalogue was as little warrantable as to say that the whole should be abrogated. In former discussions upon the present question the hon. Member for Bath had delivered his opinions with much appearance of authority; but he could assure the House that the authority of that hon. Member could be met by those of Archbishop Cranmer and Archbishop Whately. Under a full conviction, then, that they should all one day stand before the judgment seat of Christ to answer for the desecration of the Lord's-day—deeply impressed with a sense of the injustice which the present state of the law inflicted upon a large class of his fellow-subjects—full of a persuasion that a proper and Christian observance of that holy day would be highly beneficial even in a temporal point of view, he should give the present motion his most cordial support; and he trusted that a majority of the Members of that House would do the same. He did trust that they would not be deaf to the prayers of so many petitioners as had approached Parliament, praying that they and their fellow-countrymen might enjoy protection, countenance, and aid in keeping holy the Lord's-day. Feeling as he did most anxious for the success of the Bill, he could not conclude without entreating hon. Members to hear what might be said regarding it with calm and patient attention.

Mr. *Roebuck* hoped the House would permit him to compliment the hon. Baronet on the approximation to something like fairness. The bill as it originally stood, applied to the poor, but not to the rich; but the case was now somewhat altered. He must, therefore, compliment the hon. Member for having included in the provisions of the bill the rich; for if the bill passed no man could travel on the Lord's-day; no man could use any cattle to travel further than the church door. So far they were about to conform to something like fairness. The hon. Baronet seemed startled at the proposition. [Sir *A. Agnew*, "Not at all."] Well, the hon. Baronet showed it was his intention to keep within doors all persons excepting those who were exceedingly stout and able to walk, for no man could use a carriage or a horse on the Sabbath-day. As another proof of his approximation to fairness all the clubs in London were to be shut up; and though he was told that at these clubs were to be seen rev. and right rev. Gentlemen, yet the hon. Baronet knew far better than they did what was their duty, and was determined to exclude right rev. Lords, and not allow them to frequent such profane places. But he had been requested by certain of his constituents (and among the names was that of the bishop of the diocese) to support that bill; and he would, therefore, ask why was not the bill introduced in the other House? Could not the Bishops legislate on the Sabbath? Why did not they bring in the bill and act like shepherds of the flock? "I will tell you why (continued the hon. Member). They wish to throw the odium of rejecting the measure on certain parties in this House. I have also observed that certain hon. Members voted on the first reading, and now steal away at the second reading. They wish it to be understood that they encouraged the hon. Baronet to bring in the Bill. They encourage him to bring in the Bill on the pretence of holiness, and they wish it to go forth to the public that they supported him. I have observed, also, that various parties have abstained from voting on these occasions, with a view that it may go forth to the public that the only parties who are not favourable to the measure are those on this side of the house. But what do these hon. Members themselves on Sunday? Not one of them pretends to adhere to such a law as that for which they voted, or against which they would not vote, and such a law I confess I never yet heard of. I never yet saw any production of the human mind embody so much absurdity, if we except the conduct of the monk of Africa, Simon Stylites, who sat for ten years on the top of a pillar to please God Almighty, and I only pray that the name of the hon. Baronet and of Simon Stylites may be enrolled on the same scroll and pass to posterity together. But why does the mover of the bill do things only by halves? Why does he not propose to go to the full extent? The law of Moses says —Obey the sabbath, or die. If the sabbath is to be observed according to the law of Moses, why not attach the capital penalty for disobedience? But I deny that that command applies to the Lord's-day, and neither the hon. Baronet nor any other person can bring any proof to that effect. I am prepared to show that the sabbath is not the Lord's day, and that there is no divine authority for observing the Lord's day in the way in which the hon. Baronet proposes it should be observed. It all rests on mere tradition. Let the hon. Member commence with St. Matthew, and go through the whole Testament, quoting whatever may have been said by Christ or his apostles, and I defy him to point out one passage or injunction which orders that day to be kept. Let him not go to the Decalogue—let him not quote from Jeremiah—let him not go to the Old but the New Testament—let him show me one command of Christ to keep the first day of the week hȯly, and then I am ready to admit that he has grounds for legislating. If he cannot produce any such authority, then he must confine himself to the Jewish law; and if he confines himself to that, why does he not carry it out religiously, and to the full extent? Why does he not propose to enact that I and every person who breaks the sabbath shall suffer death, instead of merely confining himself to the paltry penalty of three pounds sterling? Why does he not propose to put me to death at once and for ever? Why does not the hon. Member bring in a bill to that effect? Let him deal fairly with us, and not partially. I have heard of the Scriptures being mutilated; I have heard of charges brought against parties for garbling the divine word; and the hon. Baronet makes himself more than perhaps any other individual liable to the charge. The hon. Member who seconded the motion quoted the Decalogue and Jeremiah. These he knows were addressed to Jews; but I am not a Jew, nor do I wish to be a Jew in any thing. I don't wish to have forced on me their peculiar laws. The Decalogue was given to a particular people, and that part of it was addressed to them for the purpose of making them a peculiar people. Moses put these laws in one book and said this shall be the Jewish law. But if the hon. Baronet denies this, if he denies that these laws were made for a peculiar people, why does he not go a great deal further? Why does he not include all those laws which were peculiar to the Jews? One of these commandments says, "Thou shalt not make unto thee any graven image," not only that you shall not fall down and worship it, but that thou shalt not make any graven image. I wish to know whether the hon. Baronet will include the second commandment. Surrounding nations made laws forbidding murder and robbery, and enjoined their observance on the inhabitants; but though it is evident that several of the laws of Moses were made for a peculiar people, yet the hon. Member says he will follow the Decalogue. Does he know that by the law of Moses adultery was punished with death? If that law were to be observed—and why should it not as well as the other?—a great number of noble lords would come within its operation, and great number of other persons too, as suggested by the hon. Member for Finsbury. The hon Member for Kent spoke of the day of judgment? Why does he speak of the day of judgment? What does he know of the day of judgment? How can the limited faculties of a man or the narrow conception of the human mind know anything of that day? How can his petty, crawling spirit know what will happen then? But the feelings excited by such pretensions become too strong; words cannot be found to give utterance to them; and the only feeling I will express is, that of astonishment when persons dare to talk of that great day. The hon. Member will probably not take advice from me, but I give it with all humbleness, not with affected, but substantial humility: and I say, let him and others take good care of their own conduct, and not spend their time in prying into the conduct of others. He would cast a stigma on all those who oppose this measure, but I have voted against it already, and I will vote against it again, or against any measure the principle of which is to legislate on religious matters. I defy the hon. Gentleman or any hon. Member opposite to point out any authority for the strict observance of the Lord's-day. In the Revelation of St. John it was called the Lord's-day, and it was said the saints prayed and ate bread together on that day; but that was done in consequence of the peculiar circumstances in which the primitive Christians were placed. These have ceased; and why, then, are we to imitate these primitive Christians in one act unless we imitate them in all? We ride to church! Did the apostles go to church in that way? The apostles lived in common, and if the hon. Baronet is prepared to follow their example, I shall apply to him for a share of his property. But there is another command of which the hon. Baronet takes no notice. It was said, "If thou art struck on the one cheek, turn up the other also;" but if I were to act in that manner to the hon. Baronet I am inclined to think that instead of obeying the divine precept he would take me before Sir Richard Birnie, at Bow-street. Now, let it be remembered that we are strictly commanded to follow these precepts. We have positive commands on the one hand, but on the other we have none. If the hon. Baronet would show anything like consistency, and introduce into the bill a clause by which all men's property should be made common property, then I will agree to the bill. I have heard much about the observance of the sabbath, but I have heard nothing about Christian duty — nothing about honest dealing— nothing about lowly truth and brotherly kindness. I have only been told, in fact, that asceticism is Christianity. Now, in my opinion Christianity comprehends something more; Christianity does not teach me to observe Sunday in the way proposed by the bill, but it teaches me not to peep and pry into the conduct of other men; it tells me to live humby — to pray to God on that day as well as on other days; it commands me to observe truth, mercy, and justice—it tells me to pray on all days, and instructs me that the good conduct which I have practised during the whole of the week should be continued to the seventh day, and then there should be a holy rest; and that I call keeping the Lord's-day. But that species of religion which the hon. Baronet would inculate makes the narrow observance of the sabbath as the principal matter with the Divinity, and thereby degrades and disgraces religion. It has been owing to such principles that religion has always been made a craft. The persons professing and acting on such principles depart from the great and important end of religion, and establish the craft of priesthood, so prevalent in all ages. On the present occasion I am convinced the course pursued will do little credit to any party mixed up with it. The hon. Member said, if the law is not to be obeyed, repeal the act of Charles II. but that is in reality repealed, for no one obeys it. I should like to know who present were at Tattersall's on Sunday, or at the clubs, or in Hyde-park, or at Crockford's; for all who support this bill and attend these places are self-convicted. I look upon this as a peddling scheme, and think it a mere waste of time that we should have for an hour and a half been discussing the question whether we are to shut out from places where they can have the fresh air such citizens of London as choose to go there." The hon. Baronet (continued the hon. Member,) had in one respect acted fairly, and he would now show in what he acted unfairly. While he would allow no person to go and take the fresh air, he still compelled servants to brush shoes and clothes—to make beds and light fires when the thermometer was low, and prepare a hot dinner; but the poor student, who laboured hard for six days in studies which the hon. Baronet despised, was not to be allowed to leave his humble lodgings; and if he did leave them, there was to be no place open for food or refreshment — whatever might be in the mansions of the rich—no cakes and ale" for him. The bill enacted that no person could obtain refreshment, or dinner, unless at places where he usually dined; and all that was to be forced on the community, because the hon. Baronet was pious. The hon. Baronet, however, could go out to dine, but the poor man was to have no dinner. It was altogether a mean catching-popularity scheme, got up by men who assumed high pretensions, and said to others, "Keep at a distance—for I am holier than thou." He hoped the House would brand the attempt to coerce a large class of the poor community and embody the worst species of asceticism and superstition—to force the consciences of the people, and throw a stumbling-block in the way of religion.

Viscount *Sandon* thought, that a Member of that House might pursue a course of policy which had been adopted to a greater or less extent by all nations, and attempt to renew observances which through the lapse of time had fallen somewhat into disuse, without subjecting himself to the charge of arrogance, bigotry, and superstition, or being taunted with acting upon unfair political motives. The hon. Member who had just sat down had assumed that he was the only true expounder of the doctrines of Christianity, and perhaps the Christian lecture which he read them upon humility would furnish the best test of his fitness for the office he had undertaken. Those who favoured the Bill had the law of the country with them in favour of paying due respect to the seventh or the Sabbath day—and when they endeavoured to extend a principle already admitted the hon. Member for Bath, as if speaking *ex cathedra*, read them his proud lecture on humility. It was sufficient with regard to the observance of the Lord's Day, that they have the sense of Christendom with them— they had the Church of England with them, and the only question which the House had to consider was one of degree. This, surely, was an open ground for the discussion. The hon. Member argued that all days were equal, and that the seventh day should not be set apart for rest. He said the observance of it was merely traditional. On what ground would indulgence be afforded to servants on the seventh day if, as urged, there was no law human nor divine in its favour? Looking at the matter in a mere temporal light, what would be the condition of the people if such a conclusion were come to. They would labour for a longer time without any proportionate increase of income. Passing by the spiritual view of the matter, and looking at it as a means of acquiring that intellectual improvement of which hon. Gentlemen opposite were such warm advocates, was it nothing that the people should have one day of rest, in which they might enjoy an opportunity of improving their intellectual faculties. But there was yet a higher view. Looking on man as a responsible being, was it nothing that he should have one day of freedom from his worldly pursuits to devote to a consideration of the duties which he owed to his Creator? Man had double duties, some of them related to his species and others to his Maker; and those who duly fulfilled the latter duties were sure to become better men and more valuable citizens. Those who supported the second reading of the Bill were said to support the whole of its details, but this was not a necessary consequence, and notwithstanding that he might subject himself to the charge of arrogance, ignorance, superstition, and all the other harsh charges which the hon. Member for Bath had crowded into his peculiar lecture on humility—he would support the principle of the Bill without pledging himself to the details. He would admit, that there were parts of the Bill which it would be desirable to have amended. The measure before them was one upon which a great number of petitions had been presented, and it was but right to allow the Bill to go into Committee.

Mr. *Ward* thought the noble Lord had misconceived the hon. Member for Bath, who did not object that there should be one day in the week when rich and poor should be released from business. Of the many who objected to the Bill there were none who were opposed to a day of rest. What they objected to was, that it attempted to legislate for the Christian Sabbath on Jewish principles. An hon. Member might if he pleased endeavour to apply certain regulations to the observance of the Sabbath; but then he had no right to make his standard the standard of the whole community. Hon. Members might, if they pleased, lay down strict rules of observance for their own families and dependants, but they had no right to force them upon others. What the opponents of the Bill complained of was that the promoters applied their own standard of observance to all persons and to all classes. It was impossible to legislate satisfactorily upon such a question. The noble Lord said it was a question of degree, and that he did not go the whole length of the Bill. Why not allow others also their choice of the extent to which they might be inclined to go? The only extent to which they could go with the concurrence of the entire community was to the putting down of any nuisance which would interfere to disturb religious worship. No one should arrogate the right to direct another as to what should be his rule of conduct in religious observances. Now the commandment had been appealed to, and yet the only exception made in the Bill was that which the commandment enforced. The commandment said, "Your man servant and your maid servant should do no work." With what face, then, could such an exception be made in the Bill. How could any man dare to exempt that which by revelation was expressly enforced? Such a Bill was utterly impracticable. It might bear a little on the rich, but it would press upon the poor with extreme severity. It would merely curtail the pleasures of the rich, but it would totally deprive the poor man of his enjoyment, and imprison him on the Sunday in the smoky streets and narrow alleys of London. The rich man would enjoy himself for the whole week—the poor man had but one day, and being shut in from the cheerful open air would most probably resort to some ale-house, where he was in the habit of having his dinner dressed. In the 14th Clause of the Bill there was a prohibition against vessels commencing a voyage on the Lord's Day. Would the noble Lord the Member for Liverpool, that great commercial mart, support such a clause? Another clause held out a bonus to informers by extending the time for giving information to three months. Indeed, the general objections to the Bill were so strong that he felt himself bound to vote with the hon. Member for Bath. Public opinion would remedy any defects in the present observance of the Sabbath, It had already shown its tendency in this way, and nothing would so much check it as these attempts at crude and hasty legislation.

Mr. *Finch* said, that the seventh day had been set apart before the time of Moses, and the first day had been kept by the disciples of our Lord, and was consecrated by his second appearance, and the appearance of the Holy Spirit. It was the day on which the Apostolic Christians held their meetings—it was, emphatically speaking, the Lord's day—it was the property of the Lord, was consecrated to the Lord, and ought to be held in more sanctity. The early Christian Fathers, Ignatius, the companion of the Apostle John, Justin Martyr, and Irenæus, the disciple of Polycarp, who was the disciple of St. John, all insisted upon the Lord's day being kept holy, and made the distinction between that and the Jewish Sabbath. He would not then enter into the question of what were works of necessity and what were not, nor would he pretend to say whether on that point the Roman Catholics, the German Protestants, the English Protestants, or the Scottish Protestants were right. His own feelings leant more to the Protestants of Scotland. This, however, was debatable ground, and as the details of the Bill might be settled in Committee he should cordially support the second reading.

Mr. *Wakley* was astonished that rich men should thus venture to try to shut poor men up in their habitations on the seventh day of the week. Although four hon. Members had supported the Bill, not one had the manliness to state what practices they wished to prevent. Did they desire to prevent the people from drinking ginger-beer, or from eating ginger-bread on Primrose-hill or on Kensington-common, on Sunday? It was evident that the supporters of the Bill had the organ of veneration developed in an extraordinary degree, but that they were sadly deficient in the organs of observation and causality. The organ of veneration was not generally so fully developed in this country as it was in the hon. Baronet. Let those who supported this measure and those who opposed it refer to the authority of Scripture, and let them ponder on the feeling which it inculcated. The hon. Member would read the 8th and other verses of the 5th chapter of the gospel of St. John. Those passages, taught them to exercise a religious forbearance—to respect the feelings of others—and not to intrude with unseemly feelings on the innocent enjoyments and recreations of others. If this Bill were brought into operation, it must have the worst possible effect on an enlightened and happy people, and must convert our now happy population into a body of sectarians and mock saints.

Mr. *Borthwick* would support the motion for the second reading of the Bill. He wished to see what the House could do, though he much doubted the possibility of framing a law which should be effectual in obtaining the end sought for. Many of the clauses must operate very unequally as in the case of the Zoological-gardens in the Regent's-park, which were opened on the sabbath to subscribers. Many of those who supported this Bill frequented those gardens on the sabbath, the day on which the poor were comparatively excluded—and this place of resort was a second Almack's. He believed it to be an absurdity to imagine that the people were to be compelled by any legislative enactment to observe the sabbath, but nevertheless he would support the original motion.

Mr. *H. L. Bulwer* did full justice to the intentions of the hon. Baronet who brought forward this bill; but it was necessary to consider, not the intentions with which a bill was brought forward, but the practical results of it; and he contended that, whatever might be the intentions of the hon. Baronet, the result of his bill, or of any bill on the same subject, must be inequality and partiality; because the state of society which governed all laws would not allow the same interference with the enjoyments of the rich, who had establishments of their own, and those of the poor, who had no such establishments. As to the number of petitions, he was in no way surprised; because, at all times, numbers of men had been found anxious to thrust their consciences down the consciences of other people. Hundreds and thousands of persons had assisted at the massacre of St. Bartholomew, and had been applauded even by their own priests for doing so. They were pious men of their time, and had followed the dictates of their consciences. In fact, no persecution had ever taken place which might not be justified on the ground that it was agreeable to the consciences of other men. But legislation of this kind was not only unequal in practice and bad in principle, it was also of necessity absurd and ridiculous; for, unless the whole of society were altered, nothing but legislation of the most half-begotten and most imperfect kind could take place upon it. Take, for instance, the present Post-office regulations. The mail could not leave London or enter London on a Sunday; that was impious and illegal; but it could enter or leave any other town in England on the same day. Here, then, was it declared that the same thing being impious and illegal in London was not prohibited either by law or religion in the country. Was not this absurd? The hon. Member for Kent said the Jewish ordinances should be observed, because our Saviour came, " not to destroy the law, but to fulfil it." Why, on this principle he should be circumcised, and all the male infants of his family the same. He should keep the Passover! The fact was, that many of the Jewish laws were given, not for their excellence, but solely for their peculiarity, for the purpose of maintaining a small people separate from other nations that surrounded them; and in many cases the mere fact that a custom had prevailed among the Jews almost established that it was unfit for mankind in general. But the noble Lord, the Member for Liverpool, threw over the old law of Moses, and appealed to the customs and notions of Christendom. Why, whereabouts in Christendom would such a law as this Sabbath Bill be presented to any Legislature? Would it not be scouted by every nation in every civilized part of Europe, as contrary to existing customs and present ideas? Was it even consistent with the former ideas of Christendom—those ideas which prevailed when Sabbath legislation was first introduced into this country? What said the famous ordinance encouraging sports — the ordinance of James 1st.? Why, that doctrines such as those entertained by Gentlemen opposite were new-fangled doctrines, held and introduced by the Puritans, whose minds, hardened or darkened by the persecution they had met with, felt more sympathy with the Old Testament than with the New. Having alluded to past legislation on this subject, he just wished Gentlemen to remark on what had been the effects of legislation. James 1st and Charles 1st legislated to promote what would now be called the non-observance of the sabbath. They wished to put down puritanical observances and sanctimonious fashions—and what followed? Why the psalm-singing and scripture-quoting days of Cromwell. These were succeeded in their turn, such an effect did over sanctity produce, by the licentious days of Charles 2nd, when there was more profligacy and more irreligion than at any other period in the history of this country, and yet it was to these days—these famous days of Charles 2nd, the writers of which were now banished from the stage, and not allowed by many persons to infect their families — that Gentlemen turned for a precedent for making piety by Acts of Parliament. He was against making laws to effect that which manners could alone effect, believing that laws on such a subject, if they effected any thing, only produced in a more exaggerated form the very evils they were intended to remedy.

Lord *Arthur Lennox* regretted the introduction of this bill, but, at the same time, having no doubt of the sincerity of the intentions of the hon. Baronet, he should vote for the second reading of this bill, though he did not concur in many of the clauses, which, indeed, on the contrary, he held to be most objectionable.

Mr. *Hardy* supported the principle of the bill, which went to protect every man in the observance of the sabbath. The clauses of the bill which would not operate equally and fairly, he would abandon. The bill went to prevent any man who employed another from compelling him to work on the sabbath day.

Major *Beauclerk:* could he regard the bill as a measure calculated to make the people more virtuous or more happy he would support it; but believing it to have a contrary tendency, he had no alternative left but to meet it by a direct negative.

Mr. *Potter* thought it would be a mere waste of time to go into committee upon the Bill. Four years ago, when a similar bill was allowed to go into committee, it came out in such a shape that the hon. Baronet (Sir A. Agnew) himself was obliged to vote against it. What hope could there be of a different result in the case of the present measure, supposing it were allowed to advance to another stage? He did not believe that measures of this description were calculated to promote a better observance of the sabbath.

Major *Cumming Bruce* expressed a

determination to support the second reading of the Bill, because he thought it the duty of a Christian Legislature to give the support of human laws to the proper observance of the sabbath.

The *Chancellor of the Exchequer* had supported the introduction of the bill, because he was not one of those who were wholly adverse to any legislation upon the subject. But upon a subsequent examination of its provisions, he was bound to say that there was not one of them to which he could give his consent, except perhaps that which related to Sunday trading. He should therefore oppose the second reading.

Mr. *Goulburn:* although there were many of the provisions of the bill in which he could not concur, should feel it his duty to support the second seading, with the view of so amending the measure in committee as to make it useful and practicable.

Mr. *Fowell Buxton* stated that so far from the Sunday being well observed in many parts of the metropolis, he knew that in the district with which he was connected, namely, Spitalfields, the great proportion of shops were open on Sunday. All were agreed that the sabbath should be observed, and therefore should put a stop to Sunday trading, which was one of the main objects of the bill. According to the present state of things, a man who was anxious to keep the sabbath holy was often obliged to act against his conscience and violate it, because his neighbour kept open his shop. He did not approve of many parts of this bill, but should vote for the second reading.

Mr. *Brotherton* contended that the due observance of the sabbath was for the good of man on a civil, moral, and religious principle; but he did not think that this measure was calculated to promote the object in view. He was satisfied that nothing was ever gained by working on the sabbath, and he stated this from thirty years' experience in manufactures. If it were impressed on the minds of the people that it was not their interest to work on Sunday, he was sure that they would not do so; but the example should be set them by the rich.

Captain *Berkeley* regarded this measure as a bill of pains and penalties. He did not believe that the sabbath could be made to be better observed by acts of Parliament.

The House divided: Ayes 110; Noes 66;—Majority 44.

Bill read a second time.

List of the AYES.

Alsager, Captain
Arbuthnott, hon. H.
Ashley, hon. H.
Bailey, J.
Baines, E.
Balfour, T.
Bateson, Sir R.
Beckett, Sir, J.
Bell, Matthew
Bewes, T.
Blackburne, John I.
Bonham, R. F.
Borthwick, Peter
Brocklehurst, J.
Buller, Sir. J. B. Yarde
Buxton, F.
Canning, Sir S.
Cavendish, hon. G. H.
Chapman, Aaron
Chichester, A.
Cole, A. H.
Collier, J.
Compton, H. C.
Corbett, T.
Crewe, Sir G., bart.
Dillwyn, L. W.
Dugdale, W. S.
Duncombe, W.
Dunlop, J.
Edwards, Colonel
Egerton, Sir P.
Estcourt, T.
Etwall, Ralph
Finch, George
Fleming, John
Forbes, William
Forster, C. S.
Fremantle, Sir T. W.
Freshfield, James, W.
Gaskell, James Milnes
Geary, Sir W. R. P.
Gladstone, William E.
Gordon, hon. W.
Goulburn, H.
Goulburn, Sergeant
Halford, H.
Halse, James
Hamilton, Geo. Alex
Handley, Henry
Hardy, J.
Hinde, J. H.
Houldsworth, T.
Houstoun, G.
Hughes, Hughes
Humphery, John
Ingham, R.
Johnston, Andrew
Jones, Wilson
Jones, Theobald
Kearsley, J. H.
Law, hon. Charles E.
Lawson, Andrew
Lefevre, Charles, S.
Lefroy, Anthony
Lefroy, Thomas
Lennox, Lord, A.
Lister, E. C.
Long, W.
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Martin, J.
Maunsell, T. P.
Miles, W.
Mordaunt, Sir J., bt.
Mosley, Sir O.
Parker, M.
Parry, Sir L. P.
Pease, J.
Plumptre, John P.
Rae, Sir William, bt.
Reid, Sir J. R.
Richards, John
Richards, R.
Rickford, William
Ross, Charles
Rushout, G.
Sandon, Viscount
Scourfield, W. H.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Smith, A.
Stanley, Edward
Stormont, Viscount
Thompson, Alderman
Tooke, W.
Townley, R. G.
Troubridge, Sir T.
Twiss, H.
Verner, Colonel
Vesey, hon. T.
Welby, G. E.
Wilks, John
Wilson, H.
Worsley, Lord
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Agnew, Sir A.
Bruce, C.

List of the NOES.

Aglionby, H. A
Attwood, T.
Beauclerk, Major
Berkeley, hon. F.
Bish, T.
Bodkin, J.

Bowes, John
Brady, D. C.
Bramston, T. W.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Bulwer, H. L.
Callaghan, D.
Chalmers, P.
Chaplin, Colonel
Codrington, Sir E.
Collins, W.
Dalmeny, Lord
Darlington, Earl of
Dick, Q.
Dowdeswell, William
Duncombe, T.
Elphinstone, H.
Gaskell, Daniel
Grattan, Henry,
Grote, G.
Gully, John
Harland, Wm. Chas.
Harvey, D. W.
Hector, C. J.
Heneage, E.
Hope, Henry, T.
Howard, P. H.
Hutt, William
Lennard, T. B.
Lennox, Lord G.
Marshall, William
Marsland, Henry
Melgund, Viscount
Musgrave, Sir R.
O'Connell, J.
Ord, W. H.
Palmer, General
Pechell, Captain R.
Potter, R.
Rice, rt. hon. T. S.
Roebuck, J. A.
Rolfe, Sir R. M.
Rundle, J.
Ruthven, E.
Scholefield, J.
Stewart, John
Strutt, E.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Trelawney, Sir W. L.
Turner, William
Vigors, N. A.
Wakley, T.
Wemyss, Captain
Whalley, Sir S.
Williams, W.
Williams, Sir, J.
Williamson, Sir H.

TELLERS.
Ward, H. G.
Warburton, H.

MEMBERS ACTING AS PARLIAMENTARY AGENTS.] On the motion of Mr. *Tooke*, the adjourned debate on this subject was resumed.

The *Solicitor-General* wished before the House divided, to state in a few words his objection to the present proposition. He could see no possibility of drawing a line in any other mode than this—that the individual who should receive a direct pecuniary interest in the private business of the House, should be excluded; but that he who did not, should not be excluded. The distinction which the hon. Member wished to make, was too subtle and fine, and would only shift the difficulty to some other case not precisely similar to that of his (the Solicitor-General's) hon. Colleague, the Member for Penryn (Mr. Freshfield). For himself, he certainly was not disposed to differ from the hon. Member for Bath on this subject, in thinking that there should be no line drawn; but, at all events, he was opposed to that which was now attempted to be drawn by the hon. Member's motion.

The House divided on the resolution:—Ayes 52; Noes 54: Majority 2.

List of the AYES.

Aglionby, H. A.
Baines, E.
Bentinck, Lord W.
Berkeley, hon. F.
Bewes, T.
Bodkin, J. J.
Bowes, J.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Chalmers, P.
Collier, J.
Collins, W.
Crawford, W. S.
Dick, Q,
Dillwyn, L. W.
Duncombe, T.
Dundas, J. D.
Elphinstone, H.
Geary, Sir W.
Grattan, H.
Grote, G.
Hector, C. J.
Ingham, R.
King, E. B.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Marsland, H.
Mostyn, hon. E.
Murray, rt. hon. J. A.
Pease, J.
Pechell, Captain
Potter, R.
Rickford, W.
Rundle, J.
Ruthven, E.
Scourfield, W. H.
Thornley, T.
Turner, W.
Vigors, N. A.
Wakley, T.
Wallace, R.
Wemyss, Captain
Williams, W.
Williams, Sir J.
Williamson, Sir H.
Young, G. F.

TELLERS.
Tooke, W.
Warburton, H.

List of the NOES.

Alsager, Captain
Arbuthnot, hon. H.
Bish, T.
Blackburne, I.
Buller, Sir J. Y.
Canning, rt. hon. Sir S.
Chaplin, Colonel
Chapman, A.
Chichester, A.
Dowdeswell, W.
Estcourt, T.
Ferguson, G.
Follett, Sir W.
Forbes, W.
Fremantle, Sir T.
Freshfield, J. W
Gaskell, James Milnes
Gordon, hon. Captain
Goulburn, rt. hon. H.
Goulburn, Sergeant
Halford, H.
Harvey, D. W.
Heathcote, G. J.
Hindley, C.
Houstoun, G.
Howard, P. H.
Jones, W.
Kearsley, J. H.
Law, hon. C. E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maclean, D.
Macleod, R.
Maunsell, T. P.
Musgrave, Sir R.
Parry, Sir L. P. J.
Pryme, G.
Rae, right hon. Sir W.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, R.
Roebuck, J. A.
Ross, C.
Sheppard, T.
Smith, A.
Somerset, Lord G.
Stormont, Viscount
Talfourd, Sergeant
Thompson, Alderman
Twiss, H.
Vesey, hon. T.
Walter, J.
Wilson, H.
Young, J.

TELLERS.
The Solicitor-General
Pollock, Sir F.

Resolution rejected.

COMMON-LAW COURTS.] The House then went into Committee on the Common law Courts Bill.

On the 10th Clause,

Mr. *D. W. Harvey* said, the object of this Bill was to get rid of a number of useless offices, and to create others that were necessary. He particularly objected to the power this Bill gave to appoint three masters more than were recommended by the Commissioners, and designated their appointment a judicial job. It was a subject of suspicion that the judges had been reconciled to the extensive reforms proposed in this Bill by the prospect of patronage that was held out to them. The judges were to have the appointment of five masters in each court, with salaries of 1,200*l.* a-year each. He found, that some of the masters were even named in the Bill. The two principal judges in two of the courts had appointed their nephews.

Mr. Sergeant *Goulburn* supported the Bill, and defended the appointment of the masters by the judges. The question was, whether those appointed were competent individuals or not. The five officers stood in the place of fifteen others, whose offices the Bill would abolish.

The *Chancellor of the Exchequer* said, that as regarded the number of masters, he had communicated with those best able to form an opinion, amongst whom were the Commissioners and the judges, and they were unanimously of opinion that the number necessary was the number named in the Bill.

Clause agreed to.

Mr. Harvey moved, as an amendment, that the salaries of the masters be reduced to 800*l.* a-year.

The Committee divided on the original clause:—Ayes 30; Noes 12: Majority 18.

List of the AYES.

Aglionby, H. A.
Balfour, T.
Cayley, E. S.
Forbes, W.
Forster, C. S.
Freshfield, J. W.
Gaskell, James Milnes
Goulburn, rt. hon. H.
Hanmer, Sir J.
Hay, Sir A. L.
Howard, P. H.
Ingham, R.
Jones, W.
Law, hon. C. E.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lowther, J. H.
Macleod, R.
Murray, rt. hon. J. A.
Parry, Sir L. P. J.
Rice, right hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Stewart, P. M.
Stuart, Lord D.
Stormont, Viscount
Talfourd, Sergeant
Tancred, H. W.
Young, J.

TELLERS.
Baring, F. T.
Goulburn, Sergeant

List of the NOES.

Brotherton, J.
Duncombe, T.
Grattan, H.
Hector, C. J.
Marsland, H.
Mostyn, hon. E.
Pease, J.
Pechell, Captain
Rundle, J.
Thompson, Colonel
Vigors, N. A.
Wallace, R.

TELLERS.
Harvey, D. W.
Warburton, H.

The House resumed; the Report to be brought up.

HOUSE OF LORDS,

Thursday, June 8, 1837

MINUTES.] Bills. Receive the Royal assent:—Exchequer Bills, Inemnity, Penitentiary (Milbank), and Trial by Jury (Scotland).

Petitions presented. By Earl GREY, from the county of Buckingham, to pass the Irish Municipal Reform Bill.—By Lord BROUGHAM, from upwards of 3,700 inhabitants of Brighton, and from 700 rate-payers resident in Marylebone, to adopt the Government plan for the abolition of Church-rates.

POOR LAWS (IRELAND.)] Viscount *Duncannon* said, in reference to the question put to him at an earlier period of the evening by the Earl of Wicklow, relative to the omission of some paragraphs from the correspondence which had been laid before the House between Mr. Senior and the Government that he had inquired into the subject, and the gentleman to whom the letter was written had, it appeared, thought it advisable to withdraw the paragraphs refered to.

The Earl of *Wicklow* said that the return which had been made to their lordships was different from that which had been presented to the other House of Parliament. Whether the omissions which had been made were material or not was a question of no importance, but it was a question of which Mr. Senior was not competent to form a judgment. He thought the paragraphs which had been omitted were of very great importance, and he considered that nothing could be more mischievous than a practice of making alterations in public papers.

Earl *Fitzwilliam* did not see that the omission signified much, because this paragraph, after all, only contained the opinion of a private individual. He thought that the Legislature ought to call for facts. He could not help expressing his regret and astonishment that the system about to be proposed was totally different to that recommended by the Irish Poor Law Commissioners themselves, and he lamented that Parliament should be called on to legislate in this manner, throw overboard the facts and inferences collected after a most minute and careful investigation, and that the measure should be adopted, founded on a report, to support which there were no documents in existence.

Viscount *Melbourne* said their lordships were not called upon to legislate without information, for they had before them the results of the very minute inquiry and investigation which had been made by the Poor Law Commissioners, and they were called upon to legislate in the manner in which Parliament was always called upon to legislate— namely, their general knowledge of the circumstances of the case, and their acquaintance with the state of Ireland.

Subject dropped.

SMALL DEBTS, (SCOTLAND.)] The Lord *Chancellor* moved the second reading of the Small Debts (Scotland) Bill, the object of which was to enable the Sheriff to hold courts in different parts of the same county, so as to carry his jurisdiction, the exercise of which was very beneficial, to the doors of various litigants.

Viscount *Melville* objected to the bill, that it went so saddle the public with nearly 6,000*l.*, for the performance of duties which were now done for nothing. He would not oppose the second reading but he would at the proper time move that it be referred to a select committee.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 8, 1837.

MINUTES.] Petitions Presented. By Mr. TULK, from Poole, for a reform in the Church, against the abolition of Church-Rates.—By Mr. WILLIAMS, from the city of London, for a reform in the Corporation.—By Mr. WILKS, from dissenting congregations in Leicestershire, for the abolition of Church-rates.—By Dr. BOWRING, from the town council of Glasgow, to have Glasgow excluded from the Scotch Gaol's Bill.—By Sir LOVE PARRY, from a place in Carnarvon, for a reform in the Church.—By Lord BENTINCK, from the Merchant's-house of Glasgow, complaining of the present mode of soliciting Private Bills through that House.—By Mr. GROTE, from the parish of Edgware, and from St. George, Hanover-square, praying for an equalisation of the Land-tax.—By Mr. W. DUNCOMBE, from 700 innkeepers of the counties of York, Northumberland, Leicester, and Northampton, for a revision and consolidation of all the Acts of Parliament which govern their trade; and also two from places in the West Riding of Yorkshire, against the abolition of Church-rates.

PORTLAND CEMETERY.] Mr. Sergeant *Goulburn* presented a Petition from a Mr. Staple, the Solicitor to the Portland Cemetery Bill, who complained that the hon. Member for Marylebone (Sir S. Whalley) had, after the Bill had passed through the Committee, inserted the words "Primrose-hill, or any part thereof;" and although that hon. Gentleman had supported the first and second reading of the Bill, he yet told the Solicitor that unless he consented to these words being inserted in the Bill, he should oppose the third reading.

Sir *Samuel Whalley* thought that he had great reason to complain of the course adopted on the present occasion. The persons promoting this Bill being his constituents, they had begged him to take charge of it. He had moved accordingly the first and second reading, but it was not till after the second reading that he was aware that it gave to the promoters of it a roving commission to establish a Cemetery anywhere within ten miles of the metropolis. The hon. Member for Finsbury had called for a plan of the site, and on the plan being produced it was found that the intention of the promoters was to wrest Primrose-hill from the public, a place to which they had had access for time immemorial. The insertion of a clause was then moved in these words:—"Provided that nothing in this act do allow the said company to use Primrose-hill for any of the purposes of this company." He had moved to add the words "or any part thereof." He afterwards found that these words, though he had believed them to have been adopted by the Committee had not been inserted, and applied to the Clerk to the Committee in consequence. He told the promoters of the Bill, that if the words were not there he should oppose the Bill. Had the matter stopped there he should not have had so much ground of complaint; but the promoters of the Bill had been to him, threatening to present a petition against him unless he would withdraw his opposition, and agree to support the Bill. His reply was, that the presenting of the petition would not weigh with him, nor induce him to withdraw his opposition.

Mr. *T. Duncombe* thought the threats held out ought to be inquired into, and also the conduct of the Clerk to the Committee. He therefore moved that Mr. Staple (the person from whom the petition emanated) and Mr. Rose, the Clerk to the Committee, be called to the bar.

Mr. Wallace seconded the motion,

Mr. Staple appeared at the bar, and stated, in answer to questions:—That he recollected the proviso proposed by Mr.

Wakley. Having ascertained that the words "or any part thereof" had been introduced he applied to the Committee Clerk to know on what authority that introduction had taken place. He afterwards found a note addressed to Sir Samuel Whalley, signed by Mr. Pitman, containing that suggestion; and having seen that gentleman, he said he had written that note, and that Sir Samuel Whalley had told him he did not consider the words of any importance; but Mr. Pitman considered they were legally of importance, and he got them introduced by Sir Samuel Whalley. He saw Sir Samuel Whalley on the Monday afterwards, who said that the witness might take any course he chose; He accordingly placed his petition in the hands of Mr. Angerstein, but afterwards withdrew it, because he was told that, if he did so, Sir Samuel Whalley would withdraw his opposition to the Bill. He was told so by Mr. Sutton.

Mr. Sutton was ordered to attend but not being present the subject was postponed.

PRIVILEGE.—PUBLICATION OF PAPERS.] The *Attorney-General* rose to bring under the notice of the House the case of Messrs. Nicholls and Messrs. Hansard, which was a subject of great importance and delicacy, and he had no hesitation in saying, that he felt it to be one of very great difficulty. But he had this consolation, that the House had been involved in it, not by any step voluntarily taken by themselves, but by the conduct of others. It was now indispensably necessary, that the House should make a stand, and give directions as to the course which should be pursued, in order to defend what he considered one of their most important and most undoubted privileges. The House in so doing was making a struggle for the benefit of the public, not for any benefit or advantage derivable to individual members from the privilege in question; they were fighting for the interest of the country at large. They were contending that the public should not be deprived of information, and of the advantage of the diffusion of knowledge. He owned, at the same time, that he felt considerable difficulty in recommending any course for the House to adopt in reference to the petitions of Messrs. Nicholls and Messrs. Hansard. He begged, first of all, to say, that he adhered most firmly to the resolutions which had been adopted by the Committee on the publication of printed papers, and which had been ratified by the House. Those resolutions had been adopted in Committee with only one dissentient vote, and in the House by a very large majority. The substance of those resolutions was, that it was in the power of the House to publish what they considered necessary for the public good, and useful for the public to be informed upon, and that it was essential for the due performance of their functions that the House should do so; that Parliament was the sole judge of its own privileges, and that to bring any action calculated to call their privileges into question, to be decided elsewhere, was a breach of their privilege, and, as such, liable to be visited by the displeasure of the House. Those resolutions had been adopted by the House, and to them he still firmly adhered, believing them to be founded on the law of Parliament, and the law of the land. It was his intention, therefore, in accordance with the precedent which they had in the case of Burdett *v.* Abbot, humbly to move, that the printer of the House, as the Speaker was in that case, be directed to appear and plead to the action. This was the only course by which the reason and ground of the defence could be laid open. The writ which was served upon Mr. Hansard and Mr. Nicholls gave no other information on the subject than that they had printed a libel on the plaintiff. Upon the face of this writ the bench had nothing to tell it who Mr. Hansard or Mr. Nicholls were, nor under what circumstances they had acted as alleged; and unless the Bench knew the nature and vocation of the parties, and the nature of the defence which was to be set up, it would be impossible for it to interpose. The only method of giving this information to the bench was to put a plea on the record, that the defendants had acted by order of this House, and in accordance with the privileges thereof. In former times they had a precedent of the Speaker of the House of Commons writing to courts of justice, and stating that certain actions were pending before them contrary to the privileges of the House, and requiring them not to be proceeded with. But it had been already decided that such a course of proceeding was contrary to law; and, therefore, they had been disregarded, and would, he had no doubt, again be disregarded by the judge. He should, therefore, not recommend that the Speaker should write to the Chief Justice of the King's Bench to state that Mr. Hansard was doing what it was within his functions to do, in obedience to the orders of this House. Another course which this House had most undoubtedly authority to adopt, was to commit the parties in these actions, together with their counsel and solicitors, for breach of the privileges of this House. That might, however, be considered a strong measure; it was very doubtful whether the public would support them in it; and it was very desirable and necessary, that on all occasions the House should be backed by public opinion. Lord Denman, without an opportunity having been afforded to defend the privileges of the House, had said, very erroneously in his opinion, (he said so with great deference,) that such an action as those now in question might be maintained. Lord Denman having said so, it might seem a strong measure to adopt to commit those whom the Chief Justice of the King's Bench had declared to have brought an action which they were entitled to maintain. The House might certainly commit the parties, but there was this to be considered, that by adopting such a step the House would not stop the actions which were pending. It was now necessary to plead to them, or judgment would go by default, and then a writ of inquiry would be issued to assess damages, and after that a writ of execution would be issued to levy them upon the defendants. Therefore, by committing the parties they would not succeed in evading the consequences of these actions. Another course which had been adopted in ancient times, and which the right hon. Member for Montgomeryshire would very likely recollect, was to order the officer of the King's Bench to attend that House, with the declaration and record, which, by order of the House, might then be taken away and destroyed. This was a course which had been pursued in other cases as well as that of Lord Newburg, but it was one, however, which he could not safely recommend. It would at once cause a collision between the House and the judges of Westminster-hall, by whom it was impossible to say how such a proceeding might be treated. The court, for instance, might hold that its officer was not justified, not in obeying the order of the House—that he undertook to say, the court would never hold; but it might order another declaration to be entered and the record to be restored. This would be a proceeding which would put the action *in statu quo*, and cause the step taken by the House to be of no avail. Another course which the House might adopt, was to direct the defendants to suffer judgment to go by default, and after the suit of inquiry and writ of execution to give notice to the sheriff of Middlesex, by letter or warrant from the Speaker, not to put in execution the suit of the Court of King's Bench. But this was a step which would be accompanied with much difficulty and uncertainty. Suppose the sheriff should disobey the warrant of this House: what were they then to do? They might certainly take him up and commit him to Newgate for contempt. Suppose, on the other hand, the sheriff should obey the warrant of the House, and not execute the writ of execution of the Court of King's Bench. The parties would then, perhaps, bring an action against the sheriff for not performing his duty. He must, therefore, say that the more convenient course for the House to pursue was to pass a resolution that the petitioners might appear and plead in a court of law. That was the course pursued in the case of Burdett *v.* Abbot. An action was brought against the Speaker for having issued his warrant for taking the plaintiff into custody, and a long debate took place, the result of which was, that the House directed the defendants to appear and plead. On that occasion a distinguished Member of that House, the right hon. Member for Montgomeryshire (Mr. Wynn), opposed the motion, as did Lord Milton, now Earl Fitzwilliam. But Mr. Giddy, the chairman of the Committee, Lord Folkestone, Sir Vicary Gibbs, the Attorney-General, Mr. Perceval, the Chancellor of the Exchequer, Sir Samuel Romilly, Mr. Ponsonby, and Mr. Wyndham supported it. All these illustrious names expressed sentiments conveying the opinion which the House had sanctioned by adopting the resolution agreed to the other night. Though they were of opinion that a direct violation of the privileges of the House had been committed, and that the House was the only competent authority to determine its privileges, still they recommended the course which he was about to propose that evening. As the opinions of the Members who spoke in favour of that motion ought to have some weight with the House, he would read a few extracts from their speeches on that occasion. The hon. and learned Gentleman then read the following extracts from *The Parliamentary Debates*, volume xvi, p. 970, *et infra.*

"Mr. D. Giddy: There was then only one mode remaining, and that was, to plead to the actions, and let the parties sued show to the court that the acts complained of were done in consequence of the privileges of that House. —The Attorney-General (Sir V. Gibbs): The House was the sole and ultimate judge of its own privileges, and of their extent. No court had any jurisdiction to decide on their existence and extent. They were to be judged by this House alone. No other body had the power to decide. Not but that their privileges might be incidentally brought before another court, which court, however, could not look to their privilege, but to their decisions upon them. It was by these that the court would be bound to decide. He felt not a doubt that the judge, on reading the Speaker's plea, would refuse to listen to the action.—Mr. Ponsonby: In proceeding to state his opinion, he should ground what he had to offer upon two principles—the first was, that each House of Parliament was, in its respective capacity, the sole judge of its own privileges; the sole judge of what those privileges are; the sole judge of the extent to which those privileges are to be carried; and the sole judge of the manner in which such privileges are to be exercised. It followed, by consequence, that no other court in this country had the right to interpose their opinion upon what was the privilege of Parliament—the nature, the extent, or the exercise of it. The other proposition which he would lay down as a principle was, that whenever the court of Parliament, no matter which House of Parliament, had declared a matter to be privilege, that all other courts throughout the country were bound to pay respect and implicit obedience to that declaration."

The hon. Member then cited Lord Hale as follows:—

"For as every court of justice hath laws and customs for its direction, some to the civil and canon, some to the common law, others their own peculiar laws and customs, so the high court of Parliament hath also its own peculiar law, called the *lex et consuetudo Parliamenti, suis propriis regulis et consuetudinibus consistit sua lex,* a law not to be judged of by other courts, or questioned therein, and the same is law, because *secundum legem et consuetudinem Parliamenti,* and the rather for that every Member of Parliament hath a judicial place recognised by various judges."

He also cited Blackstone as follows:—

"The maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of the Parliament itself, and are not defined and ascertained by any particular stated laws. The privileges of Parliament are likewise very large and indefinite. And therefore, when in 31st Henry 6th the House of Lords propounded a question to the judges concerning them, the Chief Justice, Sir John Fortescue, in the name of his brethren, declared, 'that they ought not to make answer to that question for it hath not been used aforetime that the justices should in anywise determine the privileges of the high court of Parliament. For it is so high and mighty in its nature, that it may make law; and that which is law it may make no law, and the determination and knowledge of that privilege belongs to the Lords of Parliament, and not to the justices.'—Yet monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear and put in his plea to the action. Such course was open to him without the slightest apprehension of his surrendering, in the remotest degree, the privileges of that House, and such course the House could adopt, although it had determined to commit the solicitor. For, unless such a course was adopted, how was it possible for the courts below to be apprised of the nature of the case? How was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity.—Should the Speaker write? If he did so, and were he (Mr. Ponsonby) a judge, presiding in the court where the process was instituted, without meaning any personal disrespect to the Speaker, he would most certainly take no notice of the letter, nor treat it in that court with the smallest respect. If, then, there was no proper mode of proceeding, either by prohibition from that House, or by notification from the Speaker, how else was the House to proceed for the information of the courts of law, except by authorising his appearance? For surely, to leave the court of law in ignorance of the nature of the case, and afterwards to find fault and quarrel with proceedings which that court might allow, from the want of the information which the Speaker could give, would be an extreme exercise of the power of that House—a stretch of its privileges which, with some justice, might subject them to the severest reprobation of the people. Upon every view of the case it was his opinion that the Speaker should plead, and that the plea should state, that the act of which the plaintiff complained was done in obedience to the orders of the House of Commons, and that there existed in no other court a power to relieve him. If, after that appearance was made and such information was communicated, a court of law should still think proper to proceed, by such act it would, to his view, most certainly exceed its jurisdiction, it would go far beyond the limits of its authority and power; but, indeed, he could not bring himself to conceive that any constitutional tribunal of the land, that any judge would venture—venture he would not say, because he could not imagine that those placed in such high and elevated stations could, under any circumstances, be guilty of that which would most certainly amount to a gross dereliction of their duty—a gross transgression of the law of the land. But such a consequence he could not anticipate, feeling the confidence he did in the learning, the wisdom, and the purity of the legal tribunals of the country.—Sir S. Romilly: On the question he had no doubt whatever, as, in his opinion, the Speaker and Sergeant ought to appear to actions brought against them. — Mr. Wyndham: The only thing for them to do was simply to let the judges of the court know that this was not pleaded to because it was founded on a step proceeding from the House of Commons. He was originally averse to the mode of proceeding proposed, but the speech of his right hon. Friend (Mr. Ponsonby) had reconciled him to it."

The House had here the opinions of several high authorities, and of persons quite as solicitous for the preservation of the privileges of that House as the right hon. Member for Montgomery. They stood up for that House being the sole judge of its privileges, but, at the same time, they admitted the necessity of the defendant appearing to plead. He would follow their example, and submit a motion, that the petitioners do appear and plead that they acted by the authority of the House. In proposing such a motion, he did not forget the high station of the noble Judge who had lately expressed an opinion on the subject. He had the highest esteem and regard for Lord Denman, who was not more remarkable for the boldness and firmness of his character than for his impartiality and candour. He was quite convinced that that learned Judge would fairly hear the case, and when he had heard it, he had no doubt that the learned Judge would come to the conclusion that judgment should be given in favour of the defendants. The learned Judge had already admitted that the publication of reports for the use of Members of that House was perfectly justifiable; and he thought the noble and learned Lord would very speedily see that his distinction between reports printed for the use of the House and those which were otherwise applied, was wholly unfounded. He would find, that if the rule he had laid down were to be supported, a Member of that House, showing to a friend or constituent reports which reflected upon the character of any individual, would be immediately liable to an action or an indictment. He would find that if a copy of any such report were deposited in a public library for the use of the present generation and of posterity, the individual who so deposited it, and the librarian who received it, would both be liable to an action at law. He would find that if a gentleman who happened to be a Member of the House at the time when he received such a report took it to the country with him, and if, on ceasing to be a Member, he shewed it to a friend, he would be immediately liable to an action or an indictment. Nay, he might say, if Lord Denman himself took the votes of the House of Commons and showed them to his brother judges, and if those judges showed them to one another, if those votes contained anything derogatory to private character, Lord Denman and the twelve judges might be indicted for libel. The very petition which was the subject of the action against Mr. Nicholls might have appeared in the votes, and the judges, if they read it and shewed it, might be prosecuted; nay, they might be found guilty of libel, and would be liable to fine and imprisonment. That principle could never be supported. It was found lawful that reports should be printed for the use of Members, and why? Necessity gave the law, and necessity alone must limit the privilege. It was equally necessary that the proceedings of that House should be communicated to their constituents as to the representative body. It was indispensable that the public should be informed of their proceedings. Indeed the gallery was thrown open to little purpose, and their debates would be given to their constituents in a very imperfect manner if they denied them an opportunity of perusing the documents to which the debates referred. No action would lie for publishing what took place in a court of law, and surely the House of Commons had a similar privilege. The privileges of the House did not, in fact, rest upon mere assumption. They were sustained by the established law of the land, and by unquestioned usage. For the space of two hundred years the practice had subsisted of the House of Commons ordering its proceedings to be published, and even sold, and, except in the case of the action against Speaker Williams, it had never been questioned. The proceedings which were taken against him were considered a great public grievance, were mentioned in the Bill of Rights, and constituted one of the great causes which brought about the Revolution. He had no doubt that the judges of the Court of King's Bench, when the question was argued, would come to an unanimous resolution in favour of the defendants. In this question, he would add, that the other House was equally interested. Many things had been published by their order, and no action had as yet been brought against any of their servants. At the period of the impeachment of Lord Melville, they ordered that an account of the proceedings should be published; and in this account there were many things which might well have been made the subject of actions. And yet, Lord Erskine, who was then Lord Chancellor, went to the length of deciding that the printer who then enjoyed the monopoly of printing the proceedings of the House of Peers should enjoy his monopoly intact, and granted an injunction against another printer for interfering with this monopoly. The privilege was one which was equally essential to the proper discharge of the functions of both Houses; and it was totally impossible that the Members of the House of Commons could, with any degree of security, discharge their duties as representatives without the protection of this privilege. He would conclude by moving, in the words of the resolution adopted by the House in the case of "Burdett *v.* Abbott," "That it is the opinion of this House that the petitioners be allowed to appear and plead to the said action."

Sir *R. Inglis* said, he did not rise to oppose the motion; though that motion was inconsistent, not only with the speech of the hon. and learned Gentleman (that was his own concern), but with the resolutions of the House itself. He did not, however, on that account object to the motion; neither, on the other hand, did he now propose to rescind those resolutions; but he trusted that the time was not distant when such motions would be needless, by the House rescinding such resolutions. The speech of the hon. and learned Member was, from beginning to end, a re-statement of all the extravagant claims which had ever been urged in support of the privileges of that House; and ended with the "lame and impotent" conclusion, that the House should submit this matter to the decision of a tribunal which, at the same time, he contended, if his argument had any force, had no right whatever to meddle with the matter. The hon. and learned Gentleman encouraged the House to this course by pledging his personal and professional reputation to his belief, that the Lord Chief Justice, and the other judges of the Court of King's Bench, would come to an unanimous decision in favour of the privileges of that House. Could the hon. and learned Gentleman quote a single judge of England who had given an opinion upon this question in favour of the resolutions at issue? Was it, he would ask, consistent with those resolutions [he did not approve of them], that the question of their privilege should be dragged before the Court of King's Bench, where they would probably be set at nought? Caricature never went further than the assertion of the hon. and learned Gentleman when he said of the Chief Justice of the King's Bench, that if he read a libellous passage from their votes to his brother judges, he would render himself liable to an action. Were they now for the first time to hear that the allegation of "malice" formed a necessary ingredient for the sustainment of an action of libel? And that there were such things as privileged communications (for instance, between attorney and client), which would be libellous, if not so privileged? He agreed with the Attorney-General that certain privileges were necessary in order to enable the House to discharge its duties, or even to protect its existence; but he maintained, that that analogy which the hon. and learned Gentleman attempted to institute between the House and a court of law, except as to the right of each to protect itself from contempt entirely failed. By a fiction, all the world was supposed present in a court of law; and there was no limit to the right of any man being present except the limit of space. All, therefore, might publish what all might hear. Is this the case in this House? Are all men presumed to be present here? The direct contrary is the law of the House: and the opposite fiction prevails, namely, that no stranger is present. This, then, is clear, that no analogy from the conduct of courts of justice can be applicable to the proceedings of this House. He was glad that the solitary cheer, which had attended this argument of the Attorney-General, did not come from a member of his own profession. He believed, indeed, that the hon. and learned Gentleman wa unsupported as a lawyer in the matter. The expediency of publishing reports of proceedings here rested, in truth, on different grounds from the right of publishing reports of trials at law; but even if it were a right, it would not affect the present question, which had nothing to do with the publication by others of any thing done within the House, but was limited to the legal right of this House to publish whatever it pleased out of the House. Now, he contended, that it was not necessary that this House should, in support of its privileges, claim a right to publish libels through the whole dominions of the king. He admitted, in the fullest manner, that the House had the right to print and to publish, for the use of its Members, matters, which, except for such privilege of Parliament, would be libellous. He had endeavoured to argue this point on a former evening, and to shew the distinction between such privilege and the claim then urged. That claim, indeed, was now practically abandoned; because, though the Attorney-General in words re-stated it, yet, after a grandiloquent declaration of right, and of the inherent and exclusive privilege of this House to take the question into its own hands, he came to the conclusion, that he would nevertheless submit it to the decision of another tribunal—of a tribunal, the authority of which at the same moment he repudiated, though, indeed, he professed to feel certain that its decision would be in his favour. In reference to that tribunal, the Attorney-General had said, that, with all respect to the present noble and learned judge, there was another chief justice (Lord Kenyon) who had held different doctrines from Lord Denman about this House. With the permission of the House he would remind the Attorney-General of a still earlier and higher authority, perhaps, than either—a name dear to every friend of the law and constitution of England—Lord Holt. In the great case of the Queen *v.* Patey, Lord Holt, as reported in 2 Raymond, p. 1113, had said, "I will suppose that the bringing such actions was declared by the House of Commons to be a breach of their privilege—but that declaration will not make that a breach of privilege which was not so before. But if they have any such privilege, they ought to show precedents of it. The privileges of the House of Commons are well known, and are founded upon the law of the land, and are nothing but the law. As we all know, they have no privilege in case of breaches of the peace, and if they declare themselves to have privileges which they have no legal claim to, the people of England will not be stopped by that declaration. This privilege of theirs concerns the liberty of the people in a high degree, by subjecting them to imprisonment for the infringement of them, which is what the people cannot be subjected to without an Act of Parliament." He adds soon after, "When a matter of privilege comes in question in Westminster Hall, the judges must determine it, as they did in Binyon's case." Lord Holt here asks for precedents. What are the precedents? The only two cases in which the House had claimed the right to publish libels were those of Speaker Williams and of Sir John Elliott, and the other Members in 1640-1641. All the other cases which have been cited in the Report now on the table, are cases in which this House has punished libels against itself. He admitted this right; he denied the other. But the Attorney-General could not forget that there was another case in which his doctrine was denied. In the case of Lake *v.* King, reported in 1 Saunders, p. 131, a case which the Attorney-General cannot surely have forgotten, it was argued, that "the printing of a false and scandalous petition to a Committee of the House of Commons, and delivering copies thereof to the Members of the Committee is justifiable, because it is in the order and course of proceedings in Parliament, of which the King's Courts will take judicial notice." This was his own argument on the last occasion when the question was discussed. The case went on:—"It was agreed that the exhibiting of a petition to a Committee of Parliament was lawful, and although the matter contained in the petition was false and scandalous, because it is in a summary course of justice, and before those who have power to examine whether it be true or false. But the question was, whether the printing and publishing it in the manner alleged by the defendant in his plea, was justifiable or not; and it was argued that it was not justifiable. For, if it were, then, under a pretence of proceeding in a course of justice, a libel might be printed, published, and dispersed, of any man throughout the whole kingdom, and yet he should have no remedy; and, therefore, it was said, that, although the exhibiting of the said petition was lawful, yet the printing of it was a publication of it to all the world, which is not lawful to be done in any case." The report goes on to state, that of this opinion Kelynge, Chief Justice, in his life-time, seemed to be strongly; but Twysden, Justice, was of a contrary opinion, because it is no more than if the defendant had employed several clerks to write as many copies as he had now printed. The gist of the argument is, that as many copies might be circulated as there were judges, that is, Members of the Committee, or of the House, as the case might be. This was always his own argument. The House might, if it were necessary, print libels: he did not deny it; all he contended for was, that they should not print and dispose of libels by sale to all the world; and that their privilege ought never to cover libels to any one whom malice or curiosity might tempt to purchase. The noble Lord, the secretary at war, had said, the other evening, that it was necessary the proceedings of the house should be circulated, in order to have the judgment of the public upon them, and he had referred to the slavery report in illustration of his proposition. Why, what a confession was this, that the House was to publish what might be false, and to wait until it should be contradicted by the parties injured! It was said that it was necessary that the public opinion should review the reports of this House; in order to confirm or to disprove them. For his own part, he did not exactly know how public opinion was to be measured in application to such a subject:—but of this he felt certain that public opinion does not support the claim of this House, to do any thing, or to print any thing against any man, without his having any redress. He (Sir R. Inglis) claimed for the people of England an immunity from the resolutions of either House of Parliament;—give them law, and the people, at least here in England, will know how to respect it; but this resolution, if communicated to the Judges, would be merely waste paper. Conceding, for the sake of argument, that the resolutions were good during the sitting of parliament, he would ask whether they would be of any force or validity in forty days after a prorogation? The question had been suggested to him, out of the House. He took it that this case was analogous to the privilege of person, which extended only to a period of forty days. What then would be the substantial value of the resolutions, as fixing the law. He had no objection to the motion of the Attorney-General—his observations were rather directed against the speech with which the hon. and learned Gentleman had accompanied it. He rather thought that the motion of the hon. and learned Gentleman did not go far enough; and his objection to the course proposed was, that it would leave in the journals a resolution which it would be necessary to suspend whenever the occasion required it. The Attorney-General had told the House that he anticipated such a unanimous decision on the part of the Court of King's Bench as would restore to them the enviable privilege of libelling all their fellow-subjects. He (Sir R. Inglis) could not agree with him on that point, but must think that the hon. and learned Gentleman had been using a poetical figure of speech. He would ask the noble Lord, the Chairman of the Committee, whether he did not now think that the suggestion which he had made on a former occasion might well have been adopted? He had at first wished that no committee should be appointed; he had afterwards wished that the Report should have been suffered to lie on the table, without the House proceeding to defy all the judges of the land; and to declare in substance, that any one of them taking cognizance of matters relating to privilege should be seized on the bench and brought to its bar. The words at the close of the resolution were—"that the institution or prosecution of any action, suit, or other proceeding for the purpose of bringing them (the privileges of the House) into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon." Was that not a threat to the judges of England? Was it meant otherwise than to prevent them even from taking cognizance of any matters which this House might be pleased to determine to be its privileges, however deeply that determination might affect the rights of their fellow-subjects? The noble Lord did not seem anxious to press that part of the resolution on a former occasion, until the hon. Member for Middlesex, not leaving a *locus penitentiæ,* said that if it were taken away it would destroy the value of the resolution. He had said at the time that the judges would disregard it; and now the House, feeling that it had got into a scrape, was, little by little, withdrawing. Where was the consistency or common sense of continuing on their books a resolution which they did not mean to carry into effect? Did they think that they could stand higher in the judgment of the country by insisting on a principle which they must relax or suspend whenever it was disputed elsewhere? The course which they were now about to take was inconsistent with their resolutions. If similar actions to those now pending were to be brought in the court of King's Bench to-morrow, or Saturday, or Monday, would not the Attorney-General move that it was the opinion of the House that the defendants should (appear and plead that they had acted by the authority of the House of Commons? Where, then, was the consistency of entering resolutions on the journals, and then allowing any external power to render them nugatory? In public bodies, as well as in private life, whenever a wrong step was taken—the best thing was to retract it: and there was no real dignity in persisting in error. It would be quite superfluous for him to eulogise such a man as Lord Denman. Not the country only, but that House, was much indebted to him for having interposed his authority in the manner in which he had. It would be happy for the House if they were now to listen to Lord Denman's opinion. The House had been often warned not to engage in a contest with the press. He warned them not to engage in a contest with the law. Their victory, if they could ensure it, would be upon the ruins of the constitution: their defeat would be degraded and embittered by its being the consequence of an unsuccessful attempt against the established jurisdictions of their country, and the rights and liberties of the people of England.

Mr. *Poulter* thought his hon. Friend had entirely misunderstood the observations of the Attorney-General, who did not propose that the privileges of that House should be submitted to the consideration of the judges; he proposed only by pleading to inform the judges that the petitioners had acted by order of the House, conceiving such to be the most prudent and temperate mode of communicating with their Lordships relative to the claims of that House on the subject of its privileges. In that sense only could he agree with the Attorney-General; because, if the claim were not allowed, then he thought it would be the duty of the House to proceed in a different manner. If such a case arose, he trusted the Attorney-General would not hesitate to recommend the proper course, a course for which there was abundant of precedents, but for which he hoped they never should have occasion. When the privileges of that House had been fairly and distinctly brought under the consideration of the Court of King's Bench, it had been invariably determined that the claim to those privileges on the part of the House was decisive, binding, and obligatory. In the case of Patey and others, who had brought actions to try a right to vote at an election, the House summoned the parties to the bar, and committed them to Newgate; and, on being brought up by habeas corpus, the judges held that they must be remanded to prison; and so in all cases of any authority, whenever the claim of the House was distinctly brought under the consideration of the judges that claim had been allowed. The great principle on which it rested was the right of the House of Commons to make known to the people for their instruction and information what is taking place before it. It is not a popular or political claim in this House, because it most fully recognizes the same in the other House of Parliament, and the claim is not for the satisfaction of the House, but for the interest of the people. Here, then, (the hon. Member said), was a right established by practice 200 years old, recognized by the House of Lords in their frequent use of our votes and proceedings, and also, by Act of Parliament, exempting from postage the transmission of these papers; and it is easy to see why the practice, instead of being occasional, has not been so universal as to have put the matter out of all doubt. The cause of this was a feeling of jealousy towards the people declared by Mr. Secretary Jenkins in the debate of 1641, who observed, that he objected to the publication "as an appeal to the people." He would ask in this case where were the features of libel to be found? Where was the *malus animus*? Was it in the Speaker, the House, or in Messrs. Nicholls or Hansard? No one could conceive that any such existed. The hon. Baronet, the Member for the University, and others, have asked, "has the House the power of violating the law? Can it authorise the publication of libels? In the mode of putting the question, his hon. Friend begs the whole matter in dispute—libel, or no libel, is not determinable by looking only at the purport of any writing,—collateral circumstances must be regarded; and, without this, no conclusion can be come to? To put an extreme case; what is so libellous upon the face of it as an indictment for murder? On looking, however, at the special circumstance of such a writing, that libellous character is entirely removed; so in this case, a writing published to inform the people of the proceedings of the House of Commons loses entirely what might be its *primâ facie* character of libel. The hon. Member observed, that it was important to consider what substantial or good practical purpose a plaintiff could have in contesting the privilege claimed by the House—a right of publication to 658 persons, the Members, was admitted. Now, if any man on whom imputation had been cast denied to redeem his character, he must make a complete defence and answer to set himself right in the estimation of these 658 being persons most connected with society. Now, a thing known to such persons was as much known as if published to the world; and whatever would remove the effect of the reproach from the minds of those, would do the same in respect of the world; what real object could a plaintiff therefore have, but a desire to make himself notorious by opposing the House of Commons? The hon. Member declared himself on the whole most decidedly in favour of the privilege; and he only acceded to the course proposed by the Attorney-General as the most temperate and prudent mode of conveying to the Court of King's Bench the right claimed, and he limited that if the claim were resisted. The Attorney-General would not be deficient in maintaining his own opinion, and advising the House how, in that event, to proceed, with the view of placing the privileges of the Commons on a firm and imperishable basis.

Sir *Robert Peel*:—Mr. Speaker, I have not heard without great regret the opinion of the Attorney-General, that it is advisable, on account of the technical and legal difficulties which would accompany any other course of proceeding, to direct the servants of this House to plead to the actions that have been brought against them. I had hoped that this House possessed sufficient power to vindicate by its own exclusive authority, without the aid or recognition of any extrinsic jurisdiction, those privileges which are absolutely essential to the performance of its proper functions, and even to its existence as an independent branch of the Legislature. I was aware of the precedent for pleading furnished by the case of Burdett *v.* Abbott; but as the result of the proceedings in that case was a distinct confirmation, by the highest judicial authority, of the exclusive right of the House of Commons to judge and decide in matters of privilege, I had hoped that that precedent rather supplied a reason for the assumption by the House of Commons of the jurisdiction which it admitted to exist, than a rule for a repetition of the course which was then followed.

The Attorney-General has reviewed the several proceedings to which this House might have recourse in consequence of the actions of which notice has been given, and the difficulties which would arise were any one of them preferred as an alternative to that of pleading. Of these difficulties an unprofessional man is scarcely a competent judge. I only wish they had been foreseen, and carefully considered by those Members of the Select Committee who belong to the profession, and are so eminent for their legal acquirements, because they ought to have been pointed out in the Report of that Committee as important elements in the consideration of any practical measure to be adopted for the maintenance of our privileges; and if pointed out, and traced in their several bearings and consequences, might have induced the House to modify at least the resolutions which have been voted in regard to the practical assertion of the privilege in question.

These, however, are matters of subordinate concern. Upon the main point at issue,—the existence of this privilege, and the right, the exclusive right, of the House of Commons to decide with regard to the exercise of it,—I have a decided opinion, the grounds of which I shall take this opportunity of stating. Having been deputed by the House, in conjunction with other Members of the Select Committee, to apply myself to this question, I entered upon it with no previous prepossession or prejudice. I have examined the foundations on which the privilege rests, and the authorities in favour of or opposed to its maintenance; and the result is, a firm conviction that the House of Commons has the right to institute free inquiry upon every matter of public concern,—to elicit every fact connected with the subject of inquiry,—and to publish the evidence taken, and the conclusions drawn from that evidence, either for the use of its Members, or, if it shall so think fit, for the use and information of the community at large. My conviction is, that for such publication the House of Commons is not responsible to any other tribunal; and that, therefore, the officers and agents of the House of Commons, acting by its express authority, are not liable to question in a court of law for acts done in pursuance of that authority.

I found the claim to this right, first, upon the deductions of reason and common sense, from a review of the constitutional character, functions, and duties of a representative assembly, forming one branch of the Legislature, being, as they are called by Lord Coke, "the general inquisitors of the realm, coming out of all the parts thereof," and summoned to advise the king: "De communi consilio super negotiis quibusdam arduis et urgentibus, regem statum et defensionem Regni Angliæ, et Ecclesiæ Anglicanæ, concernentibus."

I found this claim, secondly, upon the recorded declarations on great constitutional principles by the highest constitutional authorities; and, lastly, upon the decisions of the courts of law.

This is the outline and general scope of my argument, and I shall proceed to establish the privilege to which I lay claim, upon each of the several foundations on which I consider it to rest. First, it is a privilege essentially necessary to the proper discharge of our legislative and inquisitorial functions; and, if necessary, deriving its origin and validity from that necessity. The principle contended for on the opposite side is,—that though we may publish for the use of our own Members, without liability to question; yet that we cannot, without incurring such liability, publish for the information of the community; above all, we cannot authorise the publication by way of sale. If this distinction be well founded in point of theory, what practical security does it afford against the supposed abuse for which a remedy is sought? We may print, it seems, 658 copies of our proceedings, and distribute them among the Members of the House of Commons. That will be a privileged communication. May the Members who thus receive the papers printed for their instruction make any use of them? May they, if questioned by their constituents as to any particular vote, defend that vote by reference to the printed proceedings which caused the vote, and may possibly constitute its only justification? Will the disclosure to constituents of such cause and justification be also a privileged communication? If it will, where is the limit to the publicity? If it will not, this consequence must follow,—that a Member cannot safely explain to his constituents the reason for the course he may have pursued, although he may have, in common with all other Members, an ample vindication of that course in a document printed by the authority of this House.

Can it be maintained in argument, that the privilege of free publication is limited by the House of Commons to publication for the use of its Members? Suppose we should be called upon, as we have frequently been called upon, in our legislative capacity, to adopt measures affecting the liberties of the people, or measures demanded by great necessities, and at variance with the established usages and principles of the Constitution; suppose the vindication of these measures should mainly rest upon the acts and proceedings of individuals, the public developement of which might be essential to a correct understanding of the measure to be adopted, and of the exigency that required it: is it the constitutional law of this country, that we can give no information to the public on such matters, without liability to question in Westminster Hall?—that we must limit to our own body the knowledge which demands and justifies a new law?—that in the case of enactments, like the Bill of Exclusion, breaking through the established order of hereditary succession; or, like the suspension of the Habeas Corpus, depriving the subject of his security against arbitrary imprisonment; or, like the Regency Bill, transferring the exercise of royal authority from the hands of the monarch;—is it the true constitutional doctrine, that we must require blind submission on the part of the community to our own will and authority; and that we have not the power, however inclined, without liability to question for reflecting on individual character, to enlighten the public mind, and to impress it with the justice and reasonableness of our proceedings? That power we do not possess, unless we can exercise it freely, and without the risk of punishment to those who act by our commands. Better, far better, to relinquish it altogether, than to hold it at the discretion of an extrinsic authority. If a court of law may determine what shall be the degree of public necessity which shall justify our comments upon the acts of individuals,—may limit by its own discretion the exercise of our privileges, absolving our servants in one case, and punishing them in another; then not only does the privilege itself lose its character and value, but the independence and authority of the House of Commons are virtually extinguished. We have functions to perform partaking of a judicial character. We have the unquestionable power to suspend the issue of writs of election. We are occasionally called upon to pass bills for the entire forfeiture of the elective franchise,—for the annihilation of the right of constituent bodies to send Members to Parliament. In each case we act upon the evidence of corruption and abuse. That evidence cannot be taken without imputations and reflections on the conduct of private parties. Must that evidence from the fear of giving offence, be a sealed book excepting to our own Members? Must the town or city whose ancient right is forfeited remain ignorant of the grounds on which penalty and disgrace are inflicted? Or if we make public the evidence on which we have acted, for the express purpose of justifying our decision, may those whose misconduct is exposed,—to whom, individually, gross acts of corruption are brought home in our report,—may they construe our publication into a private libel, and seek for redress against our officers in a court of law?

It is occasionally our duty to make inquiry into the alleged misconduct of public functionaries. An accusation is preferred of the violation of public trust, or the abuse of authority committed to a public servant. Must the evidence affecting his character be confined to ourselves? Must the copy of the Report which condemns him be reserved for the use of Members of Parliament? It is surely impossible to draw distinctions between public and private capacities which a court of law can recognise. If our publications generally are not privileged, they are not privileged in the special case of inquiry into the misconduct of a public officer. The public officer, as well as the private individual, may appeal for redress to the courts of law for an alleged libel. He may take the criminatory evidence and the offensive report, and demand redress from the printer of the House of Commons. Surely the decision must turn upon the abstract question, whether the matter complained of be or be not a libel. The public character of the plaintiff will not enter into the consideration of the court. The court will not draw the distinction which we recognise, between the public servant and the private individual—will not admit that comments may be made more freely upon one than upon the other. The court will overlook every relation of the public functionary save that of a subject of the King requiring redress for a libel.

Now, is it possible to contend that a public servant charged with an abuse of his trust can thus sustain an action for libel? Take a case that has actually occurred. When the present Lord Chief Justice of the King's Bench was a Member of the House of Commons, he felt it to be his duty to move for an inquiry into the conduct of Mr. Kenrick, a magistrate of the county of Surrey, and a judge of the principality of Wales. He charged Mr. Kenrick "with having dishonoured his magisterial functions," and with the "guilt of partiality, violence, and malignity, in imprisoning an individual in some degree under his protection." Evidence was taken at the bar in support of these allegations: evidence painful, no doubt, to the feelings of Mr. Kenrick. That evidence, and the petition preferring the complaint, were printed upon the motion of Mr. Denman, and became matter of public notoriety throughout the whole country. Now, supposing a Member of Parliament, having received his copy of these printed papers, had lent it to a friend, or to a constituent, for the purpose of justifying to that constituent his vote,—had thus given to it a publicity beyond that which was required for the use of Members; will any one contend that it was competent to Mr. Kenrick to maintain an action for libel against the printer of the House of Commons? If Mr. Kenrick could not, who can? The charges against him implied conduct highly criminal; the evidence *ex parte* was very injurious to his character, and the result was tantamount to his acquittal, for no vote of censure was passed, still less was any proceeding adopted for his removal either from the judicial station or the commission of the peace. Why was he debarred from redress? Because in his case, as in others, the privilege of Parliament protected the presentation of the petition, the printing of that petition, of all the documents connected with it, of the accusatory evidence given at the bar; and it would have been thought preposterous, if Mr. Kenrick, holding a public trust, and charged with the abuse of it, had sought redress from the Court of King's Bench against acts done or authorised by the House of Commons, in whatever manner they might acquire publicity.

I have thus attempted to prove, that the House of Commons may, if it so think fit direct a publication of its proceedings more extensive than that which is requisite for the use of its own Members. I found the proof of this upon reasonings derived from the duties and functions of the House of Commons, and from the necessity of satisfying the public mind as to the grounds of its proceeding in cases of grave importance, such as the suspension of the public liberties, or the forfeiture of legal rights and franchises, or the inquiry into the misconduct of public functionaries. I found it also upon long and uninterrupted, and (until Mr. Stockdale questioned it) unquestioned usage. The sale of the proceedings and votes of the House has continued without interruption from its first commencement. For nearly two hundred years papers have been printed by the order of the House, and have received a publicity (in many cases by sale) far greater than that which was required for the personal use of Members. From a remote period the invariable practice has been to print and distribute a greater number than was necessary for such a purpose.

It is contended, however, that we cannot authorise the sale of libels. Certainly not. But this use of the word libel is a begging of the whole question. My argument is, that a publication made by the authority of the House of Commons is not a libel, and cannot be questioned as such in a court of law. But under any circumstances, would the fact of sale make any distinction in the character of the publication? If the House of Commons may authorise a gratuitous distribution of a certain paper, may it not authorise the sale of it? Can it, in the eye of the law, make the slightest difference, in determining its legal character as libel or not libel, whether a Parliamentary Report be printed at the public cost, and given away, or vended at a certain price covering part of the expense of publication? Surely, the protection depends upon a higher principle than any that is involved in these narrow distinctions between printing for the use of Members, or distribution without sale, or distribution by means of sale. It depends upon that great principle which, in a narrower application of it, justifies the publication of proceedings in courts of justice, provided the Report be an impartial and accurate Report. Those proceedings may be detailed by unauthorised parties, may be sold for individual profit in Term Reports and in public newspapers. The consideration of public advantage in the publicity of judicial proceedings overruled the regard for private feelings and private interests. Can it be maintained, that the House of Commons is so much more restricted in its powers that it cannot protect its own servants in the authorised publications of its own proceedings, for the necessary information and satisfaction of the community?

I contend, then, that this privilege is maintainable on the plain deductions of reason, from a consideration of the functions of the House of Commons, of the necessity of the privilege in question to the satisfactory discharge of those functions, and of established precedent and long-continued usage.

I proceed to support the proofs derived from such considerations by the express declarations of the highest constitutional authorities, specially applicable to the very point at issue, and made under circumstances entitling them to peculiar weight. One example will suffice; for that example is so emphatic, and so conclusive, that it is needless to produce others.

In the reign of Charles 2nd, an information was brought by the Attorney-General against Sir William Williams, who, when Speaker of the House of Commons, had printed, by order of the House, a certain paper, called the Information against Thomas Dangerfield. Judgment passed against Sir William Williams on this information, in the second year of the reign of James 2nd. This proceeding the Convention Parliament deemed so great a grievance, and so high an infringement of the rights of Parliament, that it appears to be the principal if not the sole object of one of the heads of accusation against James 2nd in the Bill of Rights.

The 8th head in that Bill was to this effect:—"By causing information to be brought and prosecuted in the Court of King's Bench for matters and causes cognisable only in Parliament, and by divers other arbitrary and illegal courses."

To this article the Lords at first disagreed; and gave for a reason, "because they do not fully apprehend what is meant by it, nor what instances there have been of it, which, therefore, they desire may be explained, if the House shall think fit to insist further on it."

The House of Commons disagreed with the Lords in their proposal of leaving out the 8th article. But, in respect of the liberty given by the Lords in explaining that matter, resolved that the words do stand in this manner:—"By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses."

By this amendment, the House adapted the article more correctly to the case they had in view; for the information against Sir William Williams was filed in King Charles the Second's time; but the prosecution was carried on, and judgment obtained, in the second year of King James.

That the meaning of the House should be made more evident to the Lords, the House ordered, "That Sir William Williams be added to the managers of the conference:" and Sir William Williams the same day reports the conference with the Lords; and "that their Lordships had adopted the article in the words as amended by the Commons." And corresponding to this article of grievance, is the assertion of the right of the subject, in the 9th article of the declaratory part of the Bill of Rights—videlicet, "That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament." The occasion on which this declaration was made was the constitutional settlement at the period of the Revolution; the parties to it were the Lords and Commons forming the Convention Parliament, which declared the rights and liberties of the subject. It was no vague assertion of Parliamentary privilege generally. It was pointed at a specific grievance: that grievance was the filing of an information against the Speaker of the House of Commons for printing and publishing for the use and information of the public, by order of the House of Commons, a certain document, libellous no doubt if not protected by privilege. There can be no ambiguity in the expressions made use of in the 9th article of the declaratory part of the Bill of Rights. They claimed for debates or proceedings in Parliament perfect freedom from impeachment or question in any court or place out of Parliament; and they are without effect and without meaning, if Lord Denman's decision can be sustained—namely, "that the fact of the House of Commons having directed Messrs. Hansard to publish their Parliamentary Reports is no justification for them to publish a Parliamentary Report containing a libel against any man."

I will now consider the remaining ground on which I rest this assertion of privilege, namely, the decisions of the courts of law. They appear to me to confirm the conclusions drawn from general reasoning, and the declaration of the Bill of Rights. They establish two positions—that that which the House of Commons publishes is a publication protected by privilege; and that of the limits of that privilege, and of the exercise of it, the House of Commons is the exclusive judge.

The first case I will refer to is the case of The King *v.* Wright. The decision in that case places the privilege on higher grounds than those for which I contend, and extends impunity beyond the limits within which I confine the present argument. I refer to that case mainly on account of the principles laid down by the highest judicial authorities, which appear to me to be conclusive in favour of the position that I am maintaining.

I will briefly advert to the particulars of that case. A Committee of Secrecy was appointed at a period of great public excitement, to consider and report upon certain documents laid before them for that purpose by the Government. A bookseller of the name of Wright, reprinted fully and accurately, but without any sanction or authority from the House of Commons, the Report of the Committee. It contained allegations against several persons, three of whom, Messrs. Hardy, Thelwall, and Horne Tooke, had been charged with high treason, and had been acquitted by a jury. Now, the presumption of the law clearly was, that they were entirely innocent of the charge, and had a right to all the benefit of acquittal. And yet the Report of the Committee of Secrecy thus speaks of the parties:—"Some of the persons so arrested were prosecuted for high treason. Three of the persons so indicted were tried, and on their trials were acquitted of the charge in the indictment. But the evidence given on those trials established in the clearest manner that the views of those persons and their confederates were completely hostile to the existing Government and Constitution of this country, and went directly to the subversion of every established and legitimate authority."

Now, it is difficult to conceive a more aggravated case of libel, if the character of the publication were to be judged of upon ordinary grounds, and without any reference to the authority under which it was made. A rule was granted against Wright, the bookseller, at the instance of Mr. Horne Tooke. It was argued by Erskine and Warren, in support of the rule, "That the House of Commons themselves were not justified in directing or giving a sanction to the publication of this libel on Mr. Tooke; or, at all events, they have no legal authority to direct or sanction the publication of matter that amounts to a libel on any individual, beyond an entry on its own journals, or for the use of the Members of the House." But Lord Kenyon observed:—"It is impossible for us to admit that the proceedings of either of the Houses of Parliament is a libel, and yet that is to be taken as the foundation of this application. This is a proceeding by one branch of the Legislature, and therefore we cannot inquire into it." Mr. Justice Grose said:—"This is a motion for leave to file a criminal information for publishing a supposed libel, but, in truth, for publishing a proceeding of one branch of the Legislature, when they were acting for the safety of the State. Now, on looking into the judicial proceedings of this court, I find no instance of such an information as the present." Mr. Justice Lawrence observed, that—"A true account of what passed in a court of justice could not be a libel, though the publication of such proceedings might be to the disadvantage of the particular individual concerned; for it is of vast importance to the public that the proceedings of courts of justice should be universally known. The same reasons also apply to the proceedings in Parliament. It is of advantage to the public, and even to the legislative bodies, that true accounts of their proceedings should be generally circulated; and they would be deprived of that advantage, if no person could publish their proceedings without being punished as a libeller. Though, therefore, the defendant was not authorised by the House of Commons to publish the Report in question, yet, as he only published a true copy of it, I am of opinion that the rule ought to be discharged."

Mr. Justice Lawrence, it will be seen, rested the claim to protection on higher and more extensive ground than that of the usage or any special privilege of Parliament. He contended for the doctrine, that true accounts of proceedings in Parliament and in courts of law, were for the public advantage, and therefore entitled to universal protection. He contended for the impunity of unauthorised parties who might, with a view to individual gain, publish the proceedings of courts of justice. If Mr. Justice Lawrence were right, *a fortiori* the authorised servant of the House of Commons must be entitled to protection. If in the case of Wright he carried too far the claim for impunity, the objection that might apply to the extended claim, will have no necessary application to the more limited claim of privilege which the present question involves.

Against that privilege, the privilege of unfettered inquiry and free publication, either for the use of the House of Commons, or the information of the community, no argument has been advanced which has the sanction either of reason or authority. It is contended, that it may be abused; and cases of wilful tyranny and extreme oppression are brought forward hypothetically, for the purpose of showing that there ought to be the means of redress, and, therefore, that a court of law ought to have jurisdiction. The argument from the possibility of abuse, if valid in this case, is equally valid against every other privilege of Parliament. It is valid also against the right of courts of justice to commit for contempt, without liability to question by co-ordinate tribunals; it is valid against judgment in the last resort,—against the supreme authority of Parliament,—against the grant of any power to a human and therefore imperfect tribunal, from which there is not a right to appeal.

If the right of publication be a privilege necessary for the performance of the functions of the House of Commons, then, like other privileges, it is not liable to question in a court of law. The House of Commons is the exclusive judge of the exercise of it. The judgments, not of the House of Commons, but of the Courts of Westminster, are decisive on this point. I speak not of the case of the King *v.* Wright, but of other cases, of every case in which an application on a question of privilege, like this application of Stockdale, has been made to the courts of law. The arguments now urged in favour of the jurisdiction of these courts were urged in the cases to which I refer. The objections from the possible abuse of privileges of which the possessor was to be the exclusive judge, were distinctly brought forward; but they were overruled by the tribunals whose authority would have been extended by admitting the force of them. The courts of law repudiated the jurisdiction with which it was proposed to invest them.

The decisions of the court in the case of Crosby, the Lord Mayor of London, and in the case of Burdett *v.* Abbott, are conclusive on this point. In the first case, a person of the name of Miller was delivered from the custody of the messenger of the House of Commons, by the Lord Mayor, who denied the authority of the Speaker's warrant within the city. The Lord Mayor was adjudged by the House of Commons to have been guilty of a breach of privilege, and was committed to the Tower. Application was made to the Court of Common Pleas for the discharge of the Lord Mayor from custody, on the ground that the House had exceeded its jurisdiction in committing for what, on the face of the warrant, did not appear to be a breach of privilege.

In refusing the application, Chief Justice De Grey said,—"When the House of Commons adjudge anything to be a contempt or a breach of privilege, their adjudication is a conviction, and their warrant is an execution; and no court does or can bail a person in execution." The Chief Justice asked what were the objections to the power of the House of Commons? "It is objected," said he, "first, that the House of Commons are mistaken, for that they have not this power, this authority; secondly, that, supposing they have, yet in this case they have not used it rightly and properly; and, thirdly, that the execution of their orders was irregular. In order to judge, I will consider the practice of the courts in common and ordinary cases. I do not find any case where the courts have taken cognizance of such execution, or of commitments of this kind; there is no precedent of Westminster Hall interfering in such a case. In Sir John Paston's case, 13 Rep., there is a case tried from the 'Year Book,' where it is held that any court shall determine of the privilege of that court; besides, the rule is, that the court of remedy must judge by the same as the court which commits: now, this court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law; for the law by which the Commons judge of their privileges is unknown to us." Again, he says:—"The House of Commons only knows how to act within their own limits. We are not a court of appeal. We do not know certainly the jurisdiction of the House of Commons. We cannot judge of the law and privileges of the House, because we have no knowledge of those laws and privileges." Observe how the Chief Justice disposes of the objection from possible abuse. He says:—"Another objection has been made, which likewise holds out to us, if pursued in all its possible cases, some dreadful consequences; and that is, the abuses which may be made by jurisdictions from which there is no appeal, and for which abuses there is no remedy: but this is unavoidable." "In the case of a commitment by this court or the Court of King's Bench, there is no appeal. Suppose the Court of King's Bench sets an excessive fine upon a man for a misdemeanour, there is no remedy, no appeal to any other court. We must depend upon the discretion of some courts."

Mr. Justice Gould said:—"I entirely concur in opinion with my Lord Chief Justice that this court has no cognizance of contempts or breach of privilege of the House of Commons: they are the only judges of their own privileges; and that they may be properly called judges appears in 4 Inst. 47, where my Lord Coke says, an alien cannot be elected of the Parliament, because such a person can hold no place of judicature." "This court cannot know the nature and power of the proceedings of the House of Commons. It is founded on a different law. The 'Lex et Consuetudo Parliamenti' is known to Parliament men only."

What said Mr. Justice Blackstone, an authority whom my hon. Friend (Sir Robert Inglis) will, with myself, from our connexion with the University of Oxford, regard with common respect? "I concur," said he, "in opinion that we cannot discharge the Lord Mayor. The present case is of great importance, because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts, more especially with respect to their own Members; here is a Member committed in execution by the judgment of his own House. All courts, by which I mean to include the two Houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempts, and the punishment thereof in any manner, belong exclusively, and without interfering, to each respective court. Infinite confusion and disorder would follow, if courts could, by writ of *habeas corpus*, examine and determine the contempts of others. This power to commit, results from the first principles of justice; for, if they have power to decide, they ought to have power to punish: no other court shall scan the judgment of a superior court, or the principal seat of justice; as I said before, it would occasion the utmost confusion, if every court of this Hall should have power to examine the commitments of the other courts of the Hall for contempt, so that the judgment and commitment of each respective court, as to contempts, must be final and without control." "I know, and am sure, that the House of Commons is both able and well inclined to do justice. But there is a great fallacy in my brother Glynn's whole argument, when he makes the question to be whether the House have acted according to their rights or not? Can any good man think of involving the judges in a contest with either House of Parliament, or with one another? and yet this manner of putting the question would produce such a contest. The House of Commons is the only judge of its own proceedings. Holt differed from the other judges on this point; but we must be governed by the eleven, and not by the single one. It is a right inherent in all supreme courts; the House of Commons have always exercised it. Little nice objections of particular words and forms, and ceremonies of execution, are not to be regarded in the acts of the House of Commons; it is our duty to presume the orders of that House, and their execution, are according to law. The *habeas corpus* in Murray's case, was at common law. I concur entirely with my Lord Chief Justice." Mr. Justice Blackstone also considered the objection derived from the possible abuse of power, and the absence of a sufficient remedy. He remarked:—"The objections which are brought of abusive consequence prove too much, because they are applicable to all courts of *dernier ressort.* 'Et ab abusu ad usum non valet consequentia,' is a maxim of law as well as of logic. General convenience must always outweigh partial inconvenience; even supposing (which I am far from supposing) that in this present case the House has abused its power."

In the case of Burdett *v.* Abbott, in the year 1820, where an action of trespass was brought by Sir Francis Burdett against the Speaker for arresting and imprisoning him, the decision of the Court of King's Bench adopted the principle which had governed former judicial decisions. The defendant, in his plea, relied on the order of the House as his justification. The Court considered that plea to contain a legal justification; and Lord Ellenborough, in the course of his judgment, observed,—"Independently of any precedent or recognised practice on this subject, the House of Commons must, *à priori*, be armed with a competent authority to enforce the free and independent exercise of its own proper functions."

Upon this ground, and supported by these high judicial authorities,—by the sanction of such names as De Grey, Gould, Blackstone, Kenyon, Grose, Lawrence, and Ellenborough, I claim for the House of Commons "a competent authority to enforce the free and independent exercise of its own proper functions:" the great functions of instituting inquiry into matters of public concern; of enlightening and satisfying the public mind; of reconciling the public feeling to acts which, without explanation, might have the appearance of intolerable harshness and severity. I ask for no extension of the privileges of the House of Commons, and will consent to none; I contend for those privileges only which are recognised by the Bill of Rights, by long-continued usage, and by the courts of law. To some it may appear desirable, on account of recent changes in the constitution of the House of Commons, and the increase of popular influence upon its proceedings, to curtail, as far as possible, even its legitimate authority. I cannot concur in the policy of this course. I think it more wise, more conformable with true conservative principles, to stand upon the ancient ways of the Law and Constitution; to maintain the just and ancient privileges of each of the great constituent branches of the Legislature.

I wish to speak with the highest respect for the person as well as for the station of the Lord Chief Justice. To his decision, as a judge, in all ordinary cases of the construction of the law, and the administration of justice, I bow with deference; but when his decisions impugn the privileges of Parliament, I have not only a right, but am bound by duty, to take cognizance of them. I do not believe that his judgment in the case of Stockdale *v.* Hansard, is maintainable. His direction to the jury, —"That the fact of the House of Commons having directed their printer to publish their Parliamentary Reports, is no justification for the publication, by them, of a Report containing a libel, upon any man,"—I believe to be erroneous. I trust the sanguine anticipations of the Attorney-

General, that upon fuller and more deliberate argument the court will reverse this decision, will be confirmed. Still, I cannot view, without serious apprehension, the possibility of their disappointment. By the course recommended by the Attorney-General, that is, by the instruction to our officers to plead, we virtually submit a decision upon our privileges to a court the head of which has already given an adverse decision with regard to them. If that decision be confirmed, our next step will be an appeal to the House of Lords, and thus the transfer to a co-ordinate branch of the Legislature of that exclusive jurisdiction to which we lay claim for ourselves in matter of privilege. I have every confidence that justice will be done according to the law and constitution of the country; but, believing that the privilege of free publication is as unquestionable as it is vital and essential to the proper discharge of our functions, I cannot without anxiety see it made the subject of litigation.

Lord *John Russell*, after the able and, as he thought, unanswerable, arguments, which the right hon. Baronet had delivered to the House upon the subject, felt that it would not be otherwise than presumption in him if he were to enter again into the question, and to go over the various points upon which he thought the privilege of the House firmly rested; but, at the same time, not having taken any part in the former discussion, he thought it would not be right that he should allow the question to come to a vote on the present occasion, without, in a few words, expressing the opinion which, after some study of the subject, he was disposed, certainly with great diffidence, but still with unshaken firmness, to entertain. He entirely agreed with the right hon. Baronet that this privilege was essential to the performance of the duties of the House. He thought that the whole question in dispute was settled on the ground stated by Lord Ellenborough on the last occasion, that the matter came under the consideration of a court of law, in consequence of a resolution passed by that House in reference to the case of "Burdett *v.* Abbott." Upon the grounds stated by the learned Judge on that occasion, he thought that it was undeniable that the House of Commons could not fairly and independently exercise its functions if it were only to print its proceedings for its own use, and not be allowed to make them known to the public. Take the case, for instance, of a petition embodying a complaint against a person holding an office of trust. If the petition were printed solely for the perusal of the Members of the House, they must come to the consideration of the case, resting exclusively on the statements of the petitioners, and they would be unable to say whether that was good ground to go upon, and therefore unable properly to perform one of their most important functions. But if they made the petition known by printing it with their votes, and allowing it to be circulated, they would be taking the best means of acquiring information on the subject, which information might be brought to bear on the question before them. He must say, then, that if the principle which had been laid down by Lord Denman were adopted, it would tend to destroy one of the chief functions of the House. It clearly appeared, too, from documents which had come down to them, and particularly from a Report which he held in his hand, that, at least, since the year 1711, the votes and proceedings of the House had been occasionally printed and sold at various sums, from a penny upwards, and that that practice had continued without intermission to the present time. It was therefore a practice which was not new—which did not derive its authority merely from what took place in 1835, but was an ancient and established practice of the House. It was always to be recollected, as the right hon. Baronet (Sir R. Peel) had clearly and decisively shown, that this practice, so ancient and so little interrupted, had its date from the time of the Revolution, and was introduced and established as a matter of right, in consequence of an undue and illegal proceeding on the part of a court of law in the reign of James 2nd. Agreeing with the right hon. Baronet in the general view which he had taken of the subject, he differed from him as to the expediency of the course that ought now to be pursued. He thought that the proposition of his hon. and learned Friend, the Attorney-General, suggested the best course that could at the present time be adopted. He was disposed to agree to the proposal of his hon. and learned Friend the Attorney-General, because he thought it was the most authoritative manner in which the House could bring before a court of law the fact that they did claim this as one of their privileges. It had certainly occurred to him, without having looked at the precedents in that respect, that the Speaker might at once have informed the judge, that the printers in this instance were acting under the authority of the House; but his hon. and learned Friend had so ably and clearly pointed out the objections to that course, that he was now fully disposed to agree with his hon. and learned Friend that the most proper manner of bringing the matter before a court of law would be to allow the petitioners to plead. By adopting that course the judges would be made fully aware of the fact, that the publication of Messrs. Hansard, and the printing of the votes by Messrs. Nicholls, were not publications conducted on their own authority, or for their own benefit, but that they were publications authorised by that House, and that the House considered such publications essential to its freedom, its dignity, and its independence. He hoped that when this circumstance was brought fully under the cognizance of the courts of law, that their decision would be in conformity with the precedents, not only of Parliamentary proceedings, but of the proceedings that had hitherto taken place in courts of justice. He thought the judges would see when they came to consider this question maturely, that it was impossible that the House of Commons should consent or allow its proceedings to be so far fettered that any, the least of its proceedings might be made matter of question, and liable to damages, or matter of action in a court of law. He would not then enter into the question of what it would be right for the House to do in the event of the Judges coming to a different conclusion. He would only state, that he did not agree with the right hon. Baronet (Sir R. Peel) that by not, at that moment, putting into force the second resolution, the House would thereby be surrendering the power and authority which in that resolution it claimed the right to exert. By agreeing to the proposition of his hon. and learned Friend, the Attorney-General, the House would only be giving time to have the question maturely and deliberately argued and determined. Whatever the result might be, he thought the House would always retain the power in its own hands, and that the resolutions would be justified by their serving as a due notice to all parties concerned, that although at this particular moment, or at any other particular moment, the House might not think fit to exercise these powers, yet that when it was convinced (and he was sure the public would be convinced too) that these powers were absolutely essential, and ought to be put in force, the House would not hesitate to exercise a privilege which it retained not for its own benefit or advantage, but for the benefit and advantage of the public, and of the country at large.

Mr. *Pemberton* said, he should be extremely glad, concurring as he did in the vote proposed on the other side of the House, if he could have avoided troubling the House with any observations upon the question; but having the misfortune, and a great misfortune he felt it to be, to differ in many particulars from those for whose sentiments and opinions he entertained the highest reverence and respect, with the feelings which he did entertain on this subject, he should consider it a cowardly dereliction of his duty, if he abstained on the present occasion from stating those feelings and views to the House. He should do so with the utmost doubt of the propriety of his own opinions, and with the most profound respect for those who differed from him; but right or wrong, he had formed his opinions, after much deliberation, and after the most attentive consideration of the case. It was not now a question whether a Report of the proceedings of a Committee of the House of Commons, published under its authority, was, or was not, a privileged publication; but the question now was, were the resolutions which that House had thought fit to adopt, resolutions not confined to the publication of papers, but involving a general assertion of privilege, to be followed up to all their consequences? Was the House prepared to deny to the courts of justice, directly or incidentally, the authority to discuss and decide questions of law involving the privilege, or would it consent, as his hon. and learned Friend, the Attorney-General, had proposed, to submit this species of law for the decision of the law authorities? It was a very different question whether those Reports were privileged publications, and whether it was the order for publication by the House of Commons, that afforded an indemnity to those who published them. They might be privileged publications, he neither affirmed nor denied it; he gave no opinion on the subject; but that which he asserted, and which was confirmed by the opinion of Lord Denman and nine-tenths of the bar, was this, that if the nature of the publication itself did not afford privilege, no resolution of the House of Commons could give it. He was glad to have the sanction of so high an authority as the noble Lord, the Member for North Lancashire, for the proposition. [Lord *Stanley* intimated that his cheers were intended to express his dissent.] He regretted to find that he had mistaken his noble Friend; but he would still assert, let who would assent or dissent, that if the nature of the publication did not protect it, no order of the House of Commons could do so. The resolutions of that House could neither alter the law nor justify its violation. The question at present, however, was one of infinitely greater magnitude; it went far beyond the publication of papers; it was this—will you act upon the 2nd resolution? What was it that this resolution asserted? He would undertake to say, that connecting that resolution with the paragraph which preceded it in the Report of the Committee, it was inconsistent with every decided case from the earliest period to the present, with one single exception only. What was it that this resolution asserted? "That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon." And what was the paragraph in the Report which explained and extended that? Why, the opinion of the Committee was, that by the law and usage of Parliament, the House of Commons possessed exclusive jurisdiction, and that it was a breach of the privileges of the House, to bring them under discussion, either directly or incidentally, and that such a breach of privilege would subject the party offending to punishment. Now, he begged to ask, the assertion being, that no court of law should assume to decide upon matters of privilege, what had been the practice in the courts of law upon the subject for the last two centuries? Why, that the courts of law had discussed, decided, and sometimes recognised, and sometimes disallowed those very privileges which he was now told they had no authority to deal with. The courts of law had never yet refused to enter upon and to discuss those privileges, and the question now was, would the House interpose to prevent the courts from entertaining them, and thus place itself between the King's subjects seeking redress, and the law of the land? He was told by hon. Gentlemen opposite, that the courts of justice had never entertained the question of the privileges of this House, and that the courts had admitted that the resolutions of this House were binding upon them when those cases were discussed and decided. Now what had been the facts of the case in the time of Charles 2nd, which Sir Orlando Bridgeman decided—what had been asserted by the House of Commons then? The resolution which the Committee of Privileges then passed was, "that no Member of the House of Commons should be subject or liable to be sued in any court of law during the sitting of Parliament." And what was the language of Sir Orlando Bridgeman when the question came before him and the other judges of his court? "I shall," said he, "give all reverence as becomes me to all the opinions and votes of the Commons House of Parliament, as proceeding from so honourable a body, but I am under the obligation of an oath to do equal justice according to the best of my judgment and ability, whatsoever the authority of their opinions and resolutions might be." He then referred to authorities in which the courts had disregarded the resolutions of the House, and proceeded to say, "that the use he made of this was, that the resolutions or votes of either House of Parliament, made and passed in the absence of the parties concerned, were not so conclusive upon the courts of law as to prevent us from administering the law, as we in our judgment, and upon our oaths, conceive the law to be, though that judgment may be contrary to the resolutions or votes of either House of Parliament." Up to the time of the Revolution, how did the law on this matter stand? Why, the right of the courts of justice to hear, discuss, and decide upon questions of privilege incidentally raised before them had not been denied by the House, though in one case it had been doubted by the court. The point was raised in the time of Charles 2nd, in the case of "Barnadiston *v.* Soames," which was an action brought against a returning officer. The court held the action to be maintainable—that decision was reversed by the Court of Exchequer—that reversal was affirmed by the House of Lords on appeal, on the ground that courts of justice could not decide upon questions of the Privileges of Parliament. But what was the consequence? The Revolution came, and an Act of Parliament was passed, authorising the action, and establishing the right of the courts of law to adjudicate upon such matters. Again, in the celebrated case of "Ashby *v.* White." It was an action brought against the constable of Aylesbury for rejecting improperly votes at an election. Three of the judges of the Court of King's Bench held that the action was not maintainable, but Lord Chief Justice Holt held the contrary. Judgment was of course entered for the defendant, but was appealed against to the House of Lords, by whom it was reversed, a large majority of the Peers concurring with Lord Chief Justice Holt in thinking, that notwithstanding the resolution and privileges of the House of Commons, the action was maintainable, and that decision remained to the present hour inviolate, and the law of the land was settled in conformity with the view of Lord Holt, and against the other three judges. Had that determination not established the law on that subject? Why, action after action had been brought, and down to the time when an action was brought by Mr. Fox against the high bailiff of Westminster, in the year 1774. Now, what was the opinion of Lord Holt as to the binding efficacy of the resolutions of Parliament—what was the doctrine which he, differing from the three other judges, had laid down—a doctrine affirmed by the House of Lords, and practised and followed for 100 years subsequently? He said, "where Parliamentary matters came before the court as incidental to a cause of action on the property of the subject, which the court must in duty determine, though the incidental matter be Parliamentary, they are bound by their oaths to determine it." Again, in the case of "The Queen *v.* Patey;" though it was held by three judges that the House of Commons were the proper judges of their own privileges, and that the court was estopped to say, that this was not a breach of privilege, Lord Holt denied it, and said it was no breach of their privilege, nor could their judgment make it so, nor conclude the court from deciding the contrary. In this case, the House of Commons, for the last time, proceeded to commit for a contempt those who in violation of the resolutions brought actions. But was that a right then established? No; on the contrary, it was denied; a writ of error was brought, but the contest on that point was put an end to by the dissolution of Parliament. And from that hour to the present, no man could aver that the House of Commons ever interposed to prevent the prosecution of actions at law, because of its privilege. He must, therefore, contend that the right of the courts of justice had been recognised, acknowledged, and acted upon, and the objection to it had never until now been revived. What, on the contrary, had been the practice since? Was there any privilege more valuable than the freedom of debate, any thing which involved a question of privilege more directly than a claim of the right of publishing that which has been spoken? The information on which the House legislated, was not conveyed to the knowledge of the public by the publication of these voluminous reports, but by extracts from the evidence, and by the speeches of hon. Members in the House, which were the subject of weekly and daily publication in the land; and yet no man, no lawyer, would venture to assert, that what was there spoken, if libellous, could not, if published, be the subject matter for an action of libel. That point had already been decided in the case of a prosecution for libel against a Peer of Parliament for having published a speech delivered by him in the House of Lords. The courts of justice assumed to proceed to the decision of that case. And did the House of Lords in that instance interpose, and say, that that was a question exclusively belonging to them—that it was nothing but a question of privileges, and try it the courts should not? No, they did no such thing. It was not an action, but an indictment, and though it was a prosecution, the House of Lords did not interpose to prevent the trial of the case. The courts then did hear the case—they did discuss it—they did decide it, and they punished the defendant by fine, and also, he believed, but was not sure, by imprisonment. Then, again, what was the case of "the King *v.* Creevy?" The defendant was prosecuted for a libel in a published report of his speech in the House of Commons. There the defendant pleaded privilege, and in that case the House did not attempt to tell the judge that the question of privilege being incidentally mixed up with the question, they should not try it. The House said no such thing, but permitted the law to take its course, and Mr. Creevy was convicted as Lord Abingdon had been, and though a new trial was applied for, it was refused, the King's Bench entirely concurring with the judge who had tried the cause. The late Report and the resolutions of the Committee of that House, he could assure his hon. and learned Friend, the Attorney-General, had excited universal astonishment in Westminster-hall. But was the House prepared to follow up and act upon the resolutions, by committing the attorney or the counsel who might appear in such a case? They might do so, but they could not stop for one hour the actions which had been brought; they would only provoke fresh proceedings. There would be hundreds upon hundreds of actions brought. The House by this illegal, arbitrary, and unconstitutional assumption, might commit the attorney and counsel, but the people would never submit to that which was inconsistent with the law of the land—namely, the assertion that the House had a right to interpose to prevent the trial of a legal question by the legal authorities. The House had been told that the effect of these proceedings must be to submit the ultimate result by appeal to the tribunal of the House of Lords. The Lords were themselves much interested in these resolutions, indeed, the Commons had thought fit to decide somewhat irregularly upon the privileges of the Lords, as well as their own. The individual disputing the privilege might well object to have it tried by such a tribunal, but it was strange that hon. Members should object to have the question tried by those who had a common interest with themselves. He approved of the course proposed by the Attorney-General, because it was an abandonment of the resolutions. It was quite consistent with law, and quite inconsistent with the resolutions. Any other course they would find totally impracticable. They might commit attornies and counsel until they had emptied Westminster-hall, and filled Newgate; they might even commit the judge, but they never could crush the spirit of the bar, the bench, and the people. Looking to the conflict with another place which was apprehended, it would be well for hon. Gentlemen opposite to consider whether they would think it advisable for them to give the advantage to the House of Peers of being known and recognised as the champions of the law. It was because he thought the House of Commons possessed (and he wished it to retain) the respect and affection of the people, that he desired to see it avoid embarking in a conflict which might risk that respect and affection. If the House did embark in that conflict, it never would retire from it until, in the collision, every privilege which it claimed had been crushed to atoms.

Mr. *Williams Wynn* said, that having spoken on a former occasion, it was not his wish again to address the House; but there were some points which had been stated by his hon. and learned Friend that called for observation. Upon an ordinary legal question he should feel great difficulty and diffidence in putting himself in competition with his hon. and learned Friend; but he confessed that when he heard it stated that whenever the question of privilege had been raised it had been uniformly decided by the Courts of Westminster-hall against the House of Commons, and that the very last instance in which an action was brought, and in which such a decision was given, was the action instituted by Mr. Fox, he (Mr. Wynn) could not refrain offering a few remarks on the present occasion. He could hardly believe that there was any man who had ever practised in a court of law, but must know that the case of Mr. Fox was as different as possible from that of a question of privilege. Mr. Fox's action was an action against the returning officer for refusing votes; it was a statutable action, sanctioned by repeated Acts of Parliament, and which fixed the returning officer with certain penalties in certain cases? Could that be said to be a case at common law? Was it the same as the case of the Queen and Patey? As early as the twenty-third year of Henry 6th, an action was given against the sheriff for making a false return

Subsequent Acts had rendered the sheriffs liable to penalties for improper conduct. He did not recollect whether the action by Mr. Fox was brought under the statute of the seventh of William 3rd, which gave double damages and full costs, or whether under the Act of the twenty-fifth of George 3rd, which enacted that if any sheriff or returning officer should wilfully delay making a return to the writ, the party, who should be determined by the House of Commons to be duly elected, bringing the action should recover double damages, together with costs. His hon. and learned Friend had then proceeded, somewhat triumphantly, to notice the cases of Lord Abingdon, and of Mr. Creevey; but he would ask, did the House of Commons, or the House of Lords, in those cases determine that the courts of justice had no authority to inquire into the privileges of Parliament? No; those were not cases involving the question of privilege of Parliament. Mr. Creevey afterwards brought his own case forward in that House; and the ground upon which the House refused to entertain the consideration of it was, not because they had not the right and privilege to entertain the consideration of questions affecting their own privileges, but because no plea of privilege could possibly lie for an act committed in defiance and in disobedience of the positive orders of the Houses. Mr. Creevey published his own speech; that being declared in itself a breach of privilege, and the speech containing matter actionable or punishable in a court of justice, it could not of course be assigned as a justification in a plea to that action that the speech was a privileged speech, the publication of it being itself a breach of the privileges of Parliament. It might as well be said that the publication of a libel spoken in the House was privileged. The publication of anything spoken in the House, unquestionably, might be proceeded against, and had repeatedly been so, as a breach of the privilege of Parliament; but, if of a libellous nature, it was also a breach of the common law of the land, and punishable in a court of justice. There was a double offence committed by such publication, and in either one way or the other was the party amenable. His hon. and learned Friend next stated, that there was an advantageous contrast between the proceedings of the House of Lords and those of the House of Commons on questions of privilege. But had the House of Lords never attempted to interfere with the proceedings of a court of justice? He could only appeal for this to their own journals. He found that in the year 1768 the House of Lords, being informed that an action had been brought and prosecuted in the Common Pleas by one John Biggs, and one Aylett, his attorney, against Mr. Hesse, one of his Majesty's justices of the peace, who had acted under the order and command of their Lordships' House, and who had apprehended a man, and, without any further order of the House, had committed him, and kept him in bridewell four or five days, for being concerned in a riot at the door of the House of Lords, what was the proceeding of the Lords on that occasion? They first passed a resolution, declaring "that according to the laws and usages of Parliament it is the undoubted right and duty of the Peers of Great Britain, in Parliament assembled, to give such orders as may be from time to time found necessary to disperse and suppress any force which shall obstruct their coming to, remaining in, or returning peaceably from the House, or that may tend to interrupt the Parliamentary debates." They then ordered the plaintiff into the custody of the Sergeant-at-arms, and they committed the attorney to Newgate. They afterwards called in the plaintiff, who was directed to stop all further proceedings; and upon his signing a release, and not till he had so done, was he ordered to be discharged out of custody. The attorney, who having been the adviser of the plaintiff, was considered the greater offender, was kept in Newgate for ten days, and then discharged upon his humble petition. In 1788 Mr. Hyde, a justice of the peace, having attempted to get into Westminster-hall on the occasion of the trial of Mr. Warren Hastings, was refused admission by a constable, in pursuance of the general order of the House of Lords. Mr. Hyde indicted the officer for an assault — the officer pleaded to the indictment, was tried at Hicks's-hall, and acquitted. At the distance of some months the case was brought before the House of Lords. What was the conduct of their Lordships on that occasion? They committed Mr. Hyde, the justice, for his offence to the custody of the Sergeant-at-arms, that offence having been the prosecuting of a person at Hicks's-hall for an act which he performed in obedience to the orders of the House of Lords. He would next address himself more immediately to the case before the House. He participated in the feeling of deep regret which had been expressed by his right hon. Friend at the course which they were now recommended to pursue. It was impossible to conceal from themselves that it might have the effect of bringing their privileges for determination not only before the Court of King's Bench, but also before the House of Lords. He could not but feel that it would be a degradation of the House, and an act derogatory to their dignity, if a co-ordinate branch of the Legislature, as they were, and possessing equal privileges, they should appeal as petitioners for those privileges, or seek to enforce them, as suitors at the bar of the House of Lords, or in any way be liable to have those privileges there discussed. This was not the first time he had expressed this opinion. When the consideration of Sir Francis Burdett's actions against the Speaker and Sergeant-at-arms was before the House, and a similar course was recommended to be pursued, it was stated by an hon. Member of considerable authority that he had no doubt the judge, on reading the plea, would refuse to allow the action to proceed. It was upon that ground, and upon that statement, which was not justified by the subsequent event, that he and those who agreed with him in opinion acquiesced in the proposition for allowing such plea to be put in without dividing the House. It was upon that ground he could from his own knowledge state, that Mr. Wyndham gave way to the pressing arguments advanced on the other side. He would admit that, the House having formerly allowed an appearance to be entered to these actions against the Speaker and the Sergeant, without animadverting on the conduct of the persons concerned in the prosecution of them, it might create a reasonable belief that the House did not consider such actions as an offence against their privileges. He was willing to allow, also, that the high authority of the Chief Justice of the King's Bench, stated in open court as it had been, in the month of February last, till it should be controverted by the resolutions of this House, might also fairly be an apology for the persons who had commenced these actions. Though the present actions had been commenced subsequent to the Report of the Committee of the House of Commons, yet that Report, till it was sanctioned by the House itself, could not be considered as possessing an authority by which the public in general were bound. Although he was strongly of opinion that the course which ought to be pursued towards all the individuals concerned in the prosecution of these actions was the ancient, appropriate, and legitimate course — that of committing them to the custody of the Sergeant-at-arms, and the adoption of which he did not think likely to be attended with that degree of resistance which had been predicted by his hon. and learned Friend, the Member for Ripon, yet he was unwilling to resort to the exercise of penal powers except where clear notice had been given by the House of Commons what their privileges were, and that they were determined to punish any offence against them. If those actions were proceeded with, the parties prosecuting them would undoubtedly render themselves amenable to the punishment of the House. With respect to the course of proceeding to be adopted on this occasion, he could not object to any course by which a court of justice should be informed of the nature of the cause of an action commenced in that court, and that it was against a party for having acted in obedience to the authority of the House of Commons. Whether that communication were made by a plea, or by a resolution of the House, to the judges, was comparatively a matter of less importance. But after that communication should have been made, he was decidedly of opinion that the action ought not to be allowed to proceed. If it were necessary to exert that power which was exerted in the case of the Lord Mayor, and of Lord Newburgh, and to direct the proceedings to be taken off the file, it was competent for the House to do so. He should regret extremely to see the House driven to a collision with a court of justice; but he must say, that if they were driven to it, he, for his part, was one that would not abandon the contest. It was not fear of the authority of the Court of King's Bench which induced him to entertain the inclination to be moderate in the course he adopted for maintaining the privileges of the House—privileges without which they could not discharge their duty advantageously or faithfully to the country, and without which they could not justify their proceedings to their constituents. But it was said, that there might be a privileged communication of the proceedings of this House, and that Members might be privileged in making communications to their constituents. Now, he would confidently assert, that if there were a privilege for any Member to communicate the proceedings of the House to his constituents, there was necessarily a privileged communication to the whole United Kingdom; for the whole United Kingdom were the constituents of every individual Member. If, then, any Member had a right to communicate a single paper to any one individual, he had a right to communicate it to every inhabitant of the empire, for he was the representative not of a particular spot, but of the whole country. It had also been said, that the privilege of Parliament only continued for forty days after each Session. That was incorrect even with regard to the personal privilege concerning only the individual Members; but the rights of the House, and the decisions on its own privileges, were permanent, and affected not only the House itself, but the country; and those decisions were such as it was the duty of every court of law to respect. There was, however, one point which had suggested itself to him. If an action was commenced during the recess of Parliament, it was obvious that the House could not come to any immediate resolution, declaring that the act complained of had been done under its authority. In such a case, it might be difficult to convey that information to a court except by pleading. The only other way in which that could be done, was for the House to give the Speaker power of his own authority to write a letter to the court, certifying the fact, as had formerly been the practice with regard to suits against privileged persons. It might be said, that neither such a certificate nor a resolution of this House was imperative on a court of law; but the House would remember that they had equally been told to-night that the court would refuse to admit the validity of a plea. Should that be the case, they would ultimately equally be compelled to resort to extreme measures to assert their privileges by their own authority. The House had not courted such a conflict, yet, if they should be pushed to the wall' they must not shrink from it, but be prepared to maintain to the utmost privileges which had been handed down from their ancestors, which were necessary to support their own independence and the due exercise of those functions which were vested in them by the Constitution.

Mr. *Hume* wished to ask the Attorney-General whether he meant to persist in the resolutions which he had proposed? If there were any doubts as to the propriety of persisting in the resolutions which they carried the other evening, the speech of the right hon. Baronet set the matter at rest. It was monstrous to think of their going back. All the cases that had been urged by the right hon. Baronet, and by the right hon. Member for Montgomeryshire, must justify the Attorney-General in the view which he originally took of the case. He did not wish that the privileges of that House should be submitted to the opinion of the House of Lords. It would not only be degrading, but it could only be done with a bad grace. They, therefore, had much better maintain and protect their own privileges. If there were one privilege more than another of importance, it was the publication of their Reports and other papers. If they abstained from the publication of the results of their own inquiries, it would be perfectly useless entering on them. This privilege was essential for the maintenance of popular rights and the independence of the House of Commons. The truth was, that this was an attempt to drag them through the mud in a very unpleasant manner.

Viscount *Howick* was as unwilling as the hon. Member for Middlesex to go back from the resolutions they came to on a former evening, and for proofs of the propriety of persisting in them, he would refer to the unanswerable and admirable argument of the right hon. Baronet opposite. That they ought to maintain their privileges was perfectly clear, and that they ought also to be the interpreters of their privileges was perfectly clear. He concurred with the Attorney-General on this simple ground, that there was a precedent as to the course of proceeding, and this case would be found to be much stronger than the present. The case he alluded to was the action brought against the Speaker by Sir F. Burdett, and then the House adopted a similar course of proceeding to that now proposed by his learned Friend, the Attorney-General. The privileges of the House were then still more made an open question than in the present case. On that occasion the House came to the conclusion that the Speaker should be allowed to appear to defend the action. In the Report of the Committee of the House appointed in consequence of the proceedings in the case against the Speaker, there were the following observations:—

"It appears that in several instances of actions commenced in breach of the privileges of this House, the House has proceeded by commitment, not only against the party, but against the solicitor and other persons concerned in bringing such actions; but your Committee think it right to observe, that the commitment of such party, solicitor, or other persons, would not necessarily stop the proceedings in such actions; that as the particular ground of action does not necessarily appear upon the suit or upon the declaration, the court before which such action is brought cannot stay the suit, or give judgment against the plaintiff, till it is informed by due course of legal proceeding that such action is brought for a thing done by order of the House; and it therefore appears to your Committee, that even though the House should think fit to commit the solicitor or other person concerned in commencing these actions, yet it will still be expedient that the House should give leave to the Speaker and the Sergeant to appear to the said actions, and to plead to the same, for the purpose of bringing under the knowledge of the court the authority under which they acted; and, if the House should agree with that opinion, your Committee submits to the House whether it would not be proper that directions should be given by this House for defending the Speaker and the Sergeant against the said actions."

It appeared, then, that there was very strong ground for proceeding in the way proposed. Be it recollected, also, that this was not an action against the Speaker, but an action for libel against Mr. Hansard and Mr. Nicholls; and it did not appear on the face of the proceedings that it was brought against them for what had been done by order of the House. The only object of his hon. and learned Friend was to allow them to state in their plea, in answer to the action, that they had published the document in question by order and with the authority of the House. The hon. Member asked what they would do if the Court of King's Bench decided against them? The House was not bound to submit to that court on a question of its privileges, but they would support their authority in a way which no judge could set aside. If the House would refer to the case already alluded to, it would be found that the mode of proceeding now proposed had been most ably supported by Sir A. Pigott, Sir Vicary Gibbs, and the right hon. Gentleman (Mr. C. Wynn). He did not doubt but that the House would assert and maintain its privileges. If they asserted those privileges, which were framed to enable them to discharge the important duties delegated to them, he was sure that public opinion would support them in the steps which it would be necessary to take to vindicate their undeniable privileges. They might act injudiciously in supposing that the court would act erroneously, or that this action could be maintained contrary to all precedent. He protested against its being supposed that by adopting the resolution of the Attorney-General they were submitting their privileges to the Court of King's Bench, or to the other House of Parliament; the House would betray its duty if they submitted its privileges to either of these tribunals.

Mr. *Thomas Duncombe* would not oppose the motion of the hon. and learned Member; but he intended to give it his most cordial support, and he could not help congratulating the House on what appeared to him to be the virtual abandonment of their privileges which they so hastily adopted the other night. The noble Lord said, that it was not to be supposed that the House had abandoned anything connected with its privileges. If the noble Lord, and those who acted with him, were not afraid of their hasty proceedings the other night, he never saw before such a capital imitation of fear. On Tuesday, with a great sound of war, they brought forward their resolutions, and on Thursday night he found the following language was affixed to a petition then presented, "Stockdale *v.* Hansard and others." "Upon reading the petition and affidavit of John Joseph Stockdale, I do order that he be admitted to sue *in forma pauperis*, and do assign him John Curwood, Esq., as his counsel. Dated the 27th day of May, 1837. Denman." Now, compare this with the resolutions agreed to on the previous Tuesday.

"That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon. That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament."

Such were the resolutions; and when they passed them, he thought that the noble Lord had some misgivings as to what might come hereafter. It was impossible for any impartial man to come to any other conclusion than that on the former evening, the voice they manifested was the voice of lions, but their actions now manifested the timidity of hares. The only answer given by the noble Lord to the question of his hon. Friend, the Member for Middlesex, was a reference to the action of Burdett *v.* Abbott; but the House should recollect that at that period they had not come to such resolutions as he had just read. The noble Lord said, if the judgment of the Court of King's Bench should happen to be against them, no doubt the House would find some means of asserting its privileges, and he said that the people of England would support the House. He did not believe any such thing; on the contrary, if the Court of King's Bench and the sworn judges of the land said that the assertion of such privileges was not in conformity with the law of the land, he was satisfied that the people of England would respond by declaring, that they valued such privileges of that House as they did the paper on which they were written.

Mr. Sergeant *Wilde* concurred in the course which was proposed to be taken, although, notwithstanding the authorities quoted in support of the precedent referred to by the noble Lord, he did not think that it was the best mode that could be adopted. He had not found in any case where the Speaker had written to inform the judge of the privileges of that House, that the letter of the Speaker had been thought improper, or had failed, unless in one instance, to have due weight. He thought, however, that it was a matter of great importance that the House should come, if it possibly could, to a unanimous vote on that question. The question, then, was whether the proposed course of proceeding were constitutional and proper? He admitted that there was some difficulty in coming to a conclusion, but he must say, with respect to the observations of the hon. Member for Finsbury, that he did not think the course then proposed was inconsistent with the resolutions agreed to the other night. The course proposed by his learned Friend, the Attorney-General, was the most likely to be supported generally by the Members of that House, although it did not exactly meet his view of the case. The House was judge of its own privileges, and it was a breach of privilege for any person to question this before a court of justice. The hon. Member for Finsbury said, that their proceedings in the first place were of a very boastful character, but their actions were very timid; but how often did it happen, in a clear and manifest case of breach of privilege, that that House did not think it necessary to call the parties before them, nor did they think it expedient to inflict punishment in every case? His own opinion was, that parties who brought actions in such cases as the present should be summoned to the bar and dealt with by the House. It appeared to him, from the mode of bringing the action on the part of Green, that he invited this course of proceeding; for the letter of his attorney showed that he knew that he was guilty of a breach of privilege. It seemed to be his ambition to be brought to the bar; and it would be well to gratify him. It was asked how the Court of King's Bench was to be informed of their proceedings in that House? He should say by their own officer; and if the Court directed him to be committed, that House had then the power to protect its officers as the Court of Chancery had. The House was a higher court than the Court of Chancery, and must have at least equal power to protect its officers. He saw no difficulty, therefore, in communicating to the Court that the action was brought in contravention of a resolution of that House, declaring it a breach of privilege. Supposing it was deemed inexpedient to allow the parties to plead in court the privilege of that House, they might intimate to the sheriff, that any attempt to enforce the writ of execution on the parties against whom the action was brought was a breach of privilege; and if he attempted, notwithstanding, to enforce it, they might bring him to the bar, and order a release to be issued, supposing the parties applied to the Court of King's Bench to order him to execute the writ. This might be done by a motion for an attachment, or the individual might bring an action against him for not executing his duty. It was desirable that that House should avoid getting into altercation or collision with the Court of King's Bench or any other court; and such a collision had occurred so seldom, that there was a difficulty in finding precedents to guide them. It was, however, clear that if any court thought fit to allow proceedings against an officer of that House in the discharge of a duty delegated to him by that House, the House must take care that he should not suffer. As they interrupted the first action, in the emergency of a second action being brought, they might again stop it in its almost final stage, and get rid of the proceedings. The officer would thus remain unmolested, and the parties would gain nothing by it. This would keep them much farther from the chance of collision with the courts of law than any other mode of proceeding. He denied that the motion proposed that night by his learned Friend, the Attorney-General, was at all inconsistent with the resolutions agreed to on a former night. He denied, too, that allowing the parties to put in the plea proposed to these actions would submit the privileges of the House of Commons to the judgment of the Court of King's Bench. It would be merely telling that Court that the act which had been done, and with reference to which the action was brought, was done by order of that House, and was within its privileges, and was protected by it. The court might say that the House had not sufficiently explained their privileges, or that it was not satisfied of the existence of such privileges. He knew that the Court of King's Bench ought, and, he was inclined to believe, would, refuse to proceed in such case, for there was no power vested in any body of more undoubted authority than was the power of that House to determine its own privileges. At least, to enter the plea of the publication being in conformity with the order and the privilege of that House was quite sufficient. He would not indeed say how the courts might decide, for the prevalent opinion in Westminster-hall was against the privilege of the House. The question had been much discussed there; and although the feeling of the bar against the resolutions and in support of the view taken by his hon. and learned Friend, the Member for Ripon, was not so general as had been stated by his learned Friend, still, no doubt, it was very extensive. He had had a great deal of communication on this subject with many gentlemen of the bar; but he had not found one who adopted the opinion just referred to, who had looked into the question, or, at any rate, who had looked so far into it as to be able to maintain it. Most of those gentlemen, after ten minutes' conversation with him on the subject, observed that they were surprised that there was so much in his case. He was satisfied the minds of all these parties would be changed if they would well look into and examine the matter. In fact, the opinion said to prevail in Westminster-hall on the subject was not worthy of consideration, as it was not founded on an examination of the subject. To revert, however, to the question, what would be the position of the House if the plea were overruled? His opinion was, that the House would be placed in a situation of the greatest difficulty. If the Attorney-General appeared in the case, and argued the matter on the part of the House, undoubtedly it would be something like a submission. All the courts were bound to acknowledge the privileges of that House; but if the case were argued before the Court of King's Bench, the Court might determine against the House. He would recommend the Attorney-General, therefore, not to argue the question, but to submit it to the Court and ask for judgment. If the Court pronounced judgment against the resolution, then this House should take up its proper ground, and hon. Members who would not stand boldly forward in defence of these privileges, could not stand up for any other. Hon. Members should be enabled to leave to their successors the privileges which they themselves had a right to enjoy. Great attempts had been made to mislead the public—gross misstatements of the law were daily uttered, but the question to be honestly considered was, what would be the result if the House were to control or put an end to all publication of their proceedings. What could a corrupt Ministry desire more than that that House should legislate in secret? No enemy of the public liberties could require a greater boon than that that House should sanction such proceedings. The precedent would afford ample protection to a corrupt Minister or other public functionary, for it would prevent inquiry into high offences and misdemeanours, as no publicity could be given to the result of such inquiries. If, therefore, the point were conceded, it was impossible that the House could go on with any advantage to the public. In his opinion, the publication of the debates of that House was perfectly legal—quite as much so as the publication of the proceedings in courts of law. In his opinion the publishing of libels by that House, if necessary, was legal. If the publication of a libel, in a case tried before a court of conscience were legal, why should not the publication of the proceedings of that House be also legal? Why should a court of justice have the exclusive liberty? The House of Lords had adopted one undeviating course since 1620, and justified the publication of libels. The hon. and learned Gentleman then referred to the cases of Stockdale and Green. The former complained of having been charged with publishing indecent books. The justice of that complaint could be at once decided on. He was engaged professionally for Stockdale, when his printer brought an action for debt against him. The debt was proved, and the plaintiff would have been entitled to a verdict, but the admitted gross indelicacy of the publication induced the jury to decide in favour of the defendant. He had seen a series of reports of the South Sea bubble and other cases that would have led to interminable actions if this House had not defended its privileges, and he would recommend temperate but resolute upholding of those rights. The hon. and learned Gentleman, after replying to a few of the arguments adduced by the Member for Ripon, said, that too much stress was laid on the decision of Lord Chief Justice Holt. All the other judges differed from him in opinion, and declared, that the Court of King's Bench had no right to discharge a prisoner committed by the House of Commons. Much stress had been laid by the hon. and learned Member for Ripon on a decision of Sir Orlando Bridgman. But, in the first place, he was not a person who was likely to have a high opinion of the privileges of the House of Commons, since he had been expelled from that House in the reign of Charles 1st., and was made Lord Chief Justice after the restoration of Charles 2nd. Then, instead of deciding, as the hon. and learned Member supposed, in the face of two resolutions of the House, he expressly stated, in his judgment, that he had made inquiry of several eminent Parliament men, who informed him, that no such resolution had really been adopted by the House, and that he, therefore, considered the question was a *res integra*, perfectly open for the decision of the court. In the case of "The King against Lord Abingdon," which was an action brought against the defendant for a speech published by his authority as delivered by him in the House of Lords, by a party who considered his character slandered by reflections cast upon him in the course of the speech, the House of Lords, actuated by a high sense of honour, had declined to interfere. This case might be brought forward as an illustration of the danger to be apprehended from the publication of speeches containing any reference to individual subjects of the realm, but he must say, that, looking at the probability of such an occurrence arising in practice, the danger could only be considered as chimerical. It was not to be supposed that any Member of Parliament would come down to either House and deliver an address with the purpose of destroying the reputation and wounding the feelings of any individual. The power of defining the limits of its own privileges was necessary, he was convinced, to the useful existence of that House; their claim to it was well founded in constitutional law; and when Gentlemen talked of such a right being above the law of the land, they ought to remember that the law of Parliament was part of the law of the land. The question for the consideration of the House was, whether the claim was consistent with the law of Parliament, which was equally binding upon them with any other part of the law. And he was satisfied that the claim, tried by this standard, would be found just and valid, and that the House would neglect its duty if they failed to assert it.

Mr. *George F. Young* said, that though he had listened with great delight to the speech of the right hon. Member for Tamworth, he took a different view of the rules by which the practice of that House, regarding the publication of its proceedings, had been uniformly directed. The very House of Commons which exercised the most important of all functions—an alteration in the right of succession to the throne, had manifested the greatest reluctance to consent even to the publication of the journals. He found that on the 9th of March, 1688, the question had been put, that the votes of the House be printed. The House divided—the yeas were 145, the noes 180; and it was resolved in the negative. This showed that the strongest resistance was offered to the first step to giving publicity to papers designed for the use of the House. He was justified, then, in contending that ancient usage was against such a construction of Parliamentary law as was advocated by the hon. and learned Sergeant and other Gentlemen at the opposite side. On what grounds could the determination to refuse redress to any individual whose character might be libelled and his prospects ruined by documents put forth by a Committee of that House be defended? It might be Parliamentary justice, but it was not common sense; it was neither natural justice, nor the justice which English judges had from the first age of the Constitution dispensed to English subjects. In fact, the demands put forward by that House could only be enforced by a tyranny more monstrous than had ever existed in the country, except in the days of the Long Parliament. He considered it the duty of every independent Member to stand forward and express his detestation of such principles; and yielding to no Gentleman, as he did, in jealousy and aversion to anything approaching to arbitrary power, he felt himself compelled to declare his objections to the delegation of such power to a popular assembly.

Sir *Robert Peel* said, that if the hon. Gentleman would, in the course of to-morrow, go again to the library, and refresh his historical reminiscences, he would find that he had been connecting two circumstances which were distinct and separate. He would find that the resolutions of 1688 and the Bill of Exclusion were separate and distinct transactions.

Mr. *George F. Young* had not adverted to the Bill of Exclusion; though he could not put his historical recollections in competition with those of the right hon. Baronet,he was still well aware that the Bill of Exclusion was not passed in the year 1688. He had only alluded to the resolutions of the Houses of Lords and Commons.

The *Attorney-General,* in reply, said, that if the hon. Member for Tynemouth would again resort to the library he would find that the proceedings of that House were published for the public information. He was glad to find that his motion had not been seriously opposed. It was quite necessary that some course should be adopted, and he thought that his was better than any other that had been suggested—better even than directing the Speaker to write a letter to the Judges of the Court of King's Bench. He had no doubt that it would gratify Mr. Stockdale to be sent to prison. Mr. Stockdale might, perhaps, deserve to be sent there; but, paltry as he might be, it might give him an importance which did not belong to him, and, therefore, he, for one, would be unwilling to gratify him at the risk of setting the country in a blaze for such a person. The only course that remained to them was either to plead, or to let judgment go by default. In the latter case the plaintiff would be entitled to execution, as a matter of course. There was another course open to them, namely, that adopted in the case of Lord Newburg. In that case the record was ordered to be laid upon the table, and then taken to Palace-yard, and burnt. He was not prepared to take that course. His hon. and learned Friend the Member for Newark had suggested another course. He recommended that judgment should be allowed to go by default, and then that notice should be served on the sheriff not to execute the execution. He was very much afraid the sheriff would not obey the order. It might so happen that a writ might be sued out against the officers of the House in November, when the House was not sitting, and could take no steps in the matter till the ensuing February. Nothing could, in that case, prevent the full amount of damages which might be awarded against the servant of the House from being levied. Such a course, then, was equally inapplicable with the first. [Mr. *Sergeant Wilde:* In such an event the amount might be lodged with the sheriff.] He did not think that this would obviate the objection, because then the damages would, in effect, be levied. It was hardly necessary for him to say a word on the question of privilege so conclusively established in the admirable speech of the right hon. Member for Tamworth. Much had been said relative to the resolutions passed by the House on a former evening. He might doubt whether it was necessary to re-assert principles so often laid down before; but the language in which they were couched was that held by all Parliamentary lawyers, and every judge of Westminster-hall, from Sir John Fortescue, to Lord Ellenborough. It had uniformly been said, that Parliament was the only judge of its own privileges, and that the judges were ignorant of such matters. The resolutions, then, advanced no new proposition; they merely repeated doctrines held in all ages by Parliament and the courts of law. He had not the least doubt, that when the question came to be fully argued before the judges, they would unanimously come to the decision, that the document which had given rise to the action was a privileged publication. The hon. Member for Newark had mentioned, that many lawyers were opposed to that exposition of the powers of Parliament regarding privilege to which the House had agreed, and he fully concurred with the hon. Member in thinking that those were gentlemen who knew nothing of Parliamentary law. The hon. Baronet, the Member for the University of Oxford, had taunted him with speaking irreverently of the judges. He had done nothing of the kind, but he did not hesitate to say, that if the law were otherwise than he asserted it to be, Lord Denman, in quoting and handing the published proceedings of that House to the other judges, would subject himself and them not only to an action but an indictment. The law, however, was not so, and he believed when the case was fully argued the Court of King's Bench would be of the same opinion. He anticipated no other result. The House of Lords were as anxious to maintain their privileges as they were. In 1827, it happened that one of the messengers of the House of Lords took an umbrella from an individual on entering that House. The umbrella was lost, and an action for it was brought against the messenger. What was the consequence? Why, that the party and his solicitor were called to the bar, and if they had not consented not only to abandon the action but to make an ample apology, they would have been both sent to prison. This showed that the Lords were never behind hand in asserting their privileges. He had not brought forward his motion without due consideration of all the remedies suggested; he thought it the least objectionable, and, therefore, he hoped the House would agree to it.

The motion agreed to. The Attorney-General, was also instructed to defend the actions, with a view to the assertion of the privileges of the House.

HOUSE OF LORDS,

Friday, June 9, 1837.

MINUTES.] Petitions presented. By the Earl of DEVON, from various places, for the better observance of the Lord's-day.

MUNICIPAL CORPORATIONS (IRELAND.)] Viscount Melbourne moved the Order of the Day for the House going into Committee upon the Municipal Corporations (Ireland) Bill.

Lord *Lyndhurst:* I rise my Lords, for the purpose of opposing the motion submitted to your Lordships by the noble Viscount. When the question came under your Lordships' consideration upon the last occasion I beg to state my entire concurrence in the course that was then pursued by your Lordships. It appears to me that when your Lordships concurred in the propriety of that proceeding, it is perfectly impossible for us now, if we wish to act consistently, and as we ought to act, and in accordance with the proceeding which was then adopted, not to see that there is no other course to be proposed than a further prolongation of the consideration of this Bill. On the former occasion my noble Friend (the Duke of Wellington) moved the postponement of the committee, for the purpose of giving an opportunity for other bills—depending in the other House of Parliament to be sent to your Lordships. It was supposed, when these bills should come before your Lordships, that means might be found for so regulating and modelling the bill before this House as to deprive it of most of the objections to which it is exposed in the opinions of your Lordships. Your Lordships concurred in that view of the case, and accordingly the committal was postponed to the present day. Noble lords considered, and they went upon the assumption of the fact, that the two bills should be in the House at the present time. It appears that in this respect the noble Duke and other noble lords miscalculated, as the second reading of one of those bills is appointed only for this day. The noble Marquess has informed us—that this is purely accidental—that it arises from the state of business in the other House. I am willing to assume this as the fact. I am bound to believe it is the fact;

and if it be so, then, if that had been anticipated by the noble Duke, and foreseen by you, instead of fixing upon the 9th of June for going into Committee, a more distant day would have been appointed. How, then, can we consistently with our former proceedings pursue any other course than that of resolving that the Committee be further postponed? If the purpose for which it was postponed was that of looking to these subjects, and taking them into your consideration at the period to which I refer, then it appears to me that you have but one course to pursue, and that is, the prolongation of the time. I am aware that the postponement upon the former occasion was opposed by many noble Lords on the other side of the House. By some it was stated that a postponement was equivalent to a rejection of the measure. It is quite clear that his Majesty's Ministers have not so considered that postponement, because they pledged themselves, and in no equivocal terms, that they would deprive the country of their services if the Bill were rejected. The postponement, my Lords, has not led to that calamity, and I am entitled to assume that that view has not been taken by the noble Viscount and the rest of his Majesty's Ministers. I have no disposition, my Lords, to refer to the arguments which took place in the last Session, and of the views taken of the question upon it. But permit me to say, that I still entertain the opinions which I then held, and which I felt it my duty to express, that the best and safest course to be followed with a view to the tranquillity of Ireland was to pursue those measures which I then submitted to your Lordships. I believe in my conscience that at this time no wiser course can be adopted. If I am asked why I am now inclined to depart from that course, I answer because I am desirous, and am most anxiously desirous, that the question should be settled—because I am convinced that in matters of legislation you should not only attempt what is best, but you ought also to legislate in such a manner as will be satisfactory to those upon whom your legislation is to operate; and if I can be satisfied that this Bill can be so modelled and so framed —that it may become the law in Ireland, consistently with the tranquillity of that country, consistently with the safety of the Protestant Establishment, and consistently with the interests of the Protestant people in that country, then I shall be desirous of seeing it pass into a law, for the purpose of having the question settled, and of conciliating the feelings of the people of Ireland. But I agree with what was stated on a former occasion by the noble Duke, that unless it can be framed in such a way—unless it be made consistent with the maintenance of the Protestant Establishment, and consistent with Protestant interests—no consideration ought to induce us to pass it; because I am convinced that in the maintenance of that establishment, and in the preservation of these interests, mainly and entirely depends the union between the two parts of the empire. If that establishment be broken down, if those interests be trampled upon, you lay the foundation for the severation of the two countries. What are the objections that I have to this measure? It is not my intention to go into the details of the Bill; this is not the time for doing so. My main objection is this:—Looking to the provisions of this Bill—looking to qualification, especially of the electors, contained in this bill—I am satisfied that it would in effect hand over the Corporations of Ireland to the Roman Catholic agitators in that country. There is no person acquainted with Ireland—there is no one who goes over the evidence given before the Committees of the other House on the subject of the elections—but must come to the same conclusion I have stated —that if you pass this Bill in its present shape and form, you hand over the Corporations in Ireland at once to the Roman Catholic agitators in that country. What has been the complaint against the corporations as they exist now? Over and over it has been urged against them—and it is that which induced me to acquiesce in what was proposed last Session—that they were exclusive—that they were exclusively composed of Protestants, and yet it ought to be remembered for what these Corporations were formed, and what they were in their original establishment—that they were formed for the very purpose of supporting the Protestant Establishment and Protestant interests. Still, considering the changes that have taken place in society, in manners, and in other circumstances, I was willing to go as far as the measure of last Session contemplated. What is proposed by this measure, and what would be its inevitable consequences? Instead of Corporations liable to the same objections which are now made against them—instead of their being composed exclusively of Protestants—that which they were originally intended to be—they would become exclusively Catholic, and under the domination of the Catholic agitators of that country. I know and I am sensible that with many this is a strong argument in favour of the measure. I am sensible that this will be a strong recommendation of the measure with some persons; it is the object they aim at; it is to that we are to ascribe so much zeal and perseverance and labour upon their parts. It is for the purpose of accomplishing so immediate an object, and through the attainment of that object, they hope to attain another which they keep steadily in view, and which they avow—the destruction of the Protestant Establishment in that country. Allow me now to say, that I cannot help thinking that his Majesty's Ministers share in the feelings that I have stated. That they should share in the feelings I have stated is not unnatural, when we consider the language that has been held by them with respect to Ireland. I say that it is not unnatural for them, because they look to the support of that party as of the utmost importance to the continuance of their political existence. It is not unnatural that such a circumstance reconciles them to the sentiments of that party. That is a circumstance which to me affords the strongest objection against them. If I wished for a striking illustration to press upon your consideration, it would be this—it would be the conduct of his Majesty's Government with respect to the General Association in Ireland. Never at any period in this or in the history of any other country was there to be found a body of men so formidable in their character, so extensive in their combinations, and so desperate in their designs, established in any regular Government. That Association is composed of men from every part of Ireland—composed to a great extent of the Roman Catholic priesthood of that country—in communication with the whole of the Catholic priesthood. It has in every parish in Ireland an agent under the name of a pacificator, for the purpose of assuming to itself the power of levying money — "voluntary contributions," — as they are stated to be, but, in fact, forced contributions—and levying money upon the public at large for the accomplishment of their own objects. They take upon themselves the superintendence of registry matters, influencing and overawing the electors; nay, more, in many instances of overawing the Government itself. They take upon themselves to denounce, and to proscribe Members of your Lordships' House, and, more than that, if you look to their objects—for you will find they do not scruple to avow them—there is the organization of such a body, and with such tremendous means of mischief; and what are the objects to which they are directed? This is not mere speculation; it is not mere matter of conjecture; it is what is stated in their resolutions. Their objects are the overthrow of the Protestant Established Church—they tell us they will never cease from agitation, never will dissolve their body, until they have accomplished their object—that object they call "justice to Ireland;" and in case they do not succeed in that, then they tell us that their next attempt will be to repeal the Union. Have I overstated the character of this Association?—have I overstated the nature of its organization?—have I overstated the mischiefs that it is combined to accomplish, and to which all its energies are directed? Well, my Lords, what have Ministers done with this Association? What have they attempted to do? Have they attempted to dissolve it? Not one step has been taken by them for that purpose. I am satisfied that so far from any step being taken to dissolve that body, or for the purpose of abating such a nuisance, that they themselves have directly supported and encouraged it. My Lords, I am aware that, on a former night, the noble Viscount told us that he disapproved of this Association, but he did so in a manner peculiar to himself, as if with a view of lessening as far as possible the effect of what he said, and of placing himself still well with his supporters among that body. The noble Viscount likened its proceedings to those dinners which the Conservative party celebrated at different periods of the last autumn, those meetings being held for the purpose of supporting the authority of the Crown, upholding the institutions of the country, and maintaining the Protestant Establishment. These meetings were likened by the noble Viscount to the proceedings of an Association whose objects were to interfere with the prerogative of the Crown, to destroy Protestant interests, to pull down the Protestant Establishment, and to confiscate its property, and apply it to purposes for which it never was intended. I am quite aware that the noble Viscount threw out something like a doubt that the law could reach that association. I think, if I recollect right, that I saw something like a smile upon the face of a noble and learned Friend opposite when it was declared that the members of that Association could not be prosecuted for a conspiracy, as none of its proceedings were secret. It struck me that such an observation was somewhat singular as proceeding from one who was formerly a member of that profession to which I have the honour to belong. But has any attempt been made by the noble Viscount to prosecute the Association? Has he taken the opinion of the law-officers of the Crown? I never heard of such a course having been taken. I never heard even that it was surmised. But supposing that the law as laid down on the opposite side is correct—supposing that the members of that Association could not be prosecuted for a conspiracy—why has there not been an application made to Parliament on the subject? Why has not the attempt been made by his Majesty's Ministers? There has been no suggestion even of such a course being adopted. I pass by all these matters because it is in the recollection of your Lordships, that in the early part of this Session a noble Lord, who is a Member of this House, and who is also a member of that Association, declared in the hearing of your Lordships that if his Majesty expressed his desire that the Association should dissolve, it would at once submit to the expression of such a wish. Have we any intimation of the expression of such a wish by the noble Viscount? Has he intimated a desire on the part of Government that the Association should be put an end to? I never heard of any intimation of such a wish; but there is an anxious desire upon every occasion to defend the proceedings of that body. I have stated that not only have his Majesty's Ministers not shown an anxiety to dissolve the Association, but they have directly countenanced it. I beg leave to state in confirmation of this the facts which are now notorious to all, and which have been discussed over and over again in another place, and which have been established on the clearest possible evidence. To what is it I allude? Ministers have selected members of that Association, assembled in the manner I have described, and for the illegal objects I have mentioned to fill public offices. From that society they have selected stipendiary magistrates—nay, more, one of the objects of the Association being to superintend the registration of voters, they have selected from that Association persons judicially to determine upon the registration. Nay, more, to show the countenance that has been given to that Association, they selected from that Association one of the most influential members of the body, one who was employed to draw up the rules, and they placed him in one of the most confidential offices that a person could be intrusted with under the Government—an office of that description in which he may be called upon to pronounce an opinion with respect to the legal character of the Association itself. His Majesty's Ministers have done nothing to discountenance that Association; but everything to uphold and encourage it. I wish now to draw your Lordships' attention to the conduct of the Government in reference to another Association of a widely different character, and to contrast the conduct of that society with that of the body in question. I never did approve of the manner in which the Orange body was organized. There was a defect in their constitution; but they were assembled, with what views? Their object was, to maintain the prerogative of the Crown, to uphold the laws and institutions of the country, and, above all, to protect the Protestant establishment. As soon as his Majesty intimated a desire that these Associations should be put an end to, by their own voluntary act they were put an end to. But look to the conduct of the Government in reference to that Association. Not a member of that society was to be appointed to any office or situation. Upon that principle his Majesty's Government acted. They not only acted upon it, but in their regulations for the police in a Bill which passed your Lordships' House last year, they were directly excluded. That was what was done with that society; it was at direct variance w th what was done with the other body. In the first instance, it was declared that parties were incompetent to hold any office or situation, though the object of the society to which they belonged, was the maintenance of existing institutions; but with reference to the other Association, with objects directly the reverse, there has been no disqualification of its members for any office of trust. Am I, then, warranted in the statement which I have made, that the increase of the power of the Roman Catholics in Ireland, is not viewed altogether with distaste by the noble Viscount? I do not say that this is not natural. The Association is a formidable engine of power. It is exercised at present in the support of the

Government, and I do not say, that the Members of that Government should not view it with as favourable an eye as possible. But, my Lords, what is the situation in which his Majesty's Ministers stand? In no former period of our history has the Government of this country been placed in such a position. To whom do they look for support? To the enemies of the Protestant establishment. In Ireland their supporters are composed of the declared enemies of the Protestant Church of that country. In England, the political Dissenters are their main stay and support. Deprive them of the aid of the one or of the other, of those, and what becomes of the Government? They feel that their power is gone, and that they have no means of supporting themselves. I repeat, that this is the first time in the history of this country when the Government has depended almost exclusively for support, on the declared enemies of the Protestant Church. My Lords, where is this to stop? Concession, we know, leads to still further concession, according to the natural course of events. Give these men a part of the spoils of the Church—yield to them what they ask for now, and you encourage them to make further demands. My Lords, when will the noble Viscount pause in his downward career? This is no speculation. These reasonings are generally speculative; but, unfortunately, this is a matter of fact. What are we told by those persons? They say that they will receive all you offer, but that they will take it only as an instalment, and that they will never cease agitating—that they will never cease convulsing the empire until they strip the national Church of its property. Ther objects are distinct and clear, this principle is avowed, too, to a certain extent, by the Members of the Government themselves. We are told, "How will you govern Ireland? how will you regulate that country and restore tranquillity to her? Concede every demand, and if she is not contented, go on conceding; give her more, and go on conceding till she is satisfied." This, my Lords, we are told by a noble Lord, one who is not the least able, or the least influential member of the Cabinet of which he forms a part. What are the supporters of the Government asking for now? The prostration of the Church of Ireland. This Bill conceded to them, they gain that object. What is their next demand? They tell you that you must repeal the union. Such, then, is the course which his Majesty's Ministers have adopted. Now, my Lords, allow me to call your attention to the Bill itself. I have stated on a former occasion that nothing should ever induce me to acquiesce in passing this Bill as it stands. In the first place, I see that a *5l.* qualification is the basis of the Bill. I am not so insensible to what is passing around me, as not to know what a *5l.* qualification is. My Lords, I know that a *5l.* qualification is no qualification at all, and that if we act upon this principle, the constituency by which these Corporations are to be regulated, will be composed of persons who will be goaded and driven to vote under the absolute direction and nomination of the Catholic Priests. What is the cry? Justice for Ireland, and a demand that her municipal institutions be placed on the same footing as those of Scotland. Well, my Lords, how is it in Scotland? The very smallest qualification, is a *10l.* qualification, and that secured, in a variety of ways, a substantial qualification; and yet the supporters of the Government demand a *5l.* qualification for Ireland, although they say that Ireland ought to be put on the same footing with Scotland. The qualification, alone, continued the noble Lord, would induce him never to agree to the Bill. Then there was this inconsistency in the Bill. Last Session an act had been passed which took from the magistracy in Ireland the appointment of police constables and transferred it to the lord-lieutenant, and yet this measure gave the appointment of the constables to the town-councils; and the jurisdiction of these was extended all over the counties in which the boroughs were, and in some instances, to the adjoining counties. There were three objections that he entertained to the Bill. First, there was the extraordinary patronage which it would confer. It intrusted the town-council with the power of appointing officers at their discretion. The town-council were also to have the power of giving salaries at their discretion, and of levying rates to defray the expense of those salaries, and for other incidental matters. He had another objection, and a strong one, to urge against the measure. First, he considered the mode in which the town-council were to be chosen which he had already pointed out to their Lordships. Then he considered the views which were entertained by the parties, to whom was to be intrusted the local authority, and the probability that the individuals who thus obtained the command of the public purse would be thereby enabled materially to extend their influence. Let their Lordships conceive what the state of Ireland would be, with bodies of that description in the possession of power, with political agitation spread over the whole face of the country, combining together, corresponding with each other, and thus forming their corporations into formidable engines for furthering the objects of the parties who were the patrons of this Bill. The noble Viscount, who was sometimes disposed to philosophise in his observations, had more than once said that bodies which assumed a power which did not legitimately belong to them, so far from being formidable, only rendered themselves contemptible and ridiculous. That remark might be applicable to a country like this, where there were countervailing forces. Here there was a powerful magistracy and an influential clergy — here, there were institutions of various descriptions to control and check any body of men who usurped functions to which they were not entitled. The case was widely different in Ireland. What controlling power existed there? If they set up these bodies in that country, arrayed them in legal authority, gave to them the formsand insignia of office, the power of commanding the constabulary, and in making use of the public purse, as they might do, under this Bill—if they did this, would any one tell him that they would not thereby create a power of a most formidable character? In cases of this kind, he was unwilling to rely on his own general observations, or on his own experience; but there was a witness on this subject, who was appealed to on a former occasion by a noble Friend of his, whose evidence appeared to him to be decisive—a witness, whose testimony, he thought, he noble Viscount could not object to, because he considered him the patron and protector of his Majesty's Government. A witness, who was more schooled in the arts of agitation than any other individual who had ever lived— who was more experienced in keeping alive popular excitement, and who better knew the means of moving the people of Ireland in conformity with his own views than any other individual whom he had ever known. He called the evidence of that individual in aid, who told them that all he was anxious to obtain was a measure of municipal reform; he said, give him that and he would make himself responsible fortheir obtaining the rest. Without this evidence he should have come to the same conclusion at the dictation of his own reason; but when he found himself so supported— when he found himself supported by evidence which the noble Viscount could not controvert—he felt that he was placed in a situation that was altogether impregnable. In a question of this kind, above all others, the *aide-toi* principle was that on which they ought to act. Let them look to the state of Europe, and compare it with what was its state about 200 years ago, when the reformed religion was extensively established throughout the continent. He regretted to say, that in Europe now there were large masses of the population by whom the reformed religion was no longer acknowledged. Let them not deceive themselves on this subject; let them see what was going on in this respect in Ireland, and let them not altogether shut their eyes to what was passing in England itself. The noble Viscount on a former occasion, in arguing this Bill, was pleased to tell them how admirably the Municipal Act had worked in this part of the United Kingdom. The noble Viscount told their Lordships as it had been so successful here, notwithstanding the anticipation of their Lordships to the contrary, he felt sure that any one looking fairly to the subject must see that they might safely confer the same privileges and powers on Ireland. The noble Viscount alluded in support of his views to some communications he had received as to the working of the Municipal Act in different parts of this country. The communications to which the noble Viscount referred, formed, indeed the greater portion of his speech. The noble Viscount referred, among other corporations, to that at Bristol. Now, having himself formerly held the office of recorder of Bristol, he knew something of that city; and he begged to state that he had received a communication in reference to the Bristol Corporation which was directly at variance in every particular with the statement of the noble Viscount. He would just touch on one or two of the points of his communication in answer to the observations and statements so much relied on by the noble Viscount. One of these was as to the better administration of the corporate property. A sum of 30,000*l.* was to be raised by rates on the inhabitants of part of Bristol, for the purpose of making good the loss occasioned by the riots and disturbances which had occurred in that city some years ago. One of the first measures of the new town council was to provide for that loss out of the corporate property. Thus they applied 30,000*l.* of the capital of the corporation—of that corporate property which was to last for all time—to relieve the individual subject to the payment from the charge. It was said by the noble Viscount that the administration of justice had been greatly improved by the Municipal Corporation Bill. He had observed how much better it was for offenders to be tried by the judge of assize than by the recorder of that city. Now, what was the operation of the measure in this respect? Why, that every man who committed a crime was subject to the jurisdiction of the judge of assize, before whom he was tried at a distance of thirty miles from his friends or his witnesses. The effect of such a system must make it impossible for persons to bring their witnesses before the judge of assize, because they were not able to bear the expense. He entertained great respect for the judges of assize; but he begged to say that, in his opinion, those individuals who had filled the situation of recorder for upwards of 100 years were in no respect inferior to them. It would be enough for him to say who those individuals were. There was Sir Michael Tooke: then, at no long interval, Lord Ashburton. There were also Lord Thurlow, Sir Vicary Gibbs, Lord Gifford, and, after a short interval, Sir Charles Wetherell. These were all men highly gifted, and as capable as any other men, well, faithfully, and satisfacforily to discharge those duties incident to the criminal jurisdiction of this country. The noble Viscount had said, that party animosities and disputes were comparatively put an end to by the operation of this Bill. With respect to that representation he begged to refer to the statement with which he had been furnished. The noble and learned Lord read the following extract from the document:—

> "The perpetual recurrence of elections for representatives of wards excites a feeling, perhaps, inseparable from any contest, but rendered more bitter and more vehement from the narrow circle in which it is confined, which makes the matter personal to every one who partakes in it, and brings almost every neighbour into personal collision. For the purpose, or under the pretext, of guarding the franchise, and preventing the intrusion of improper votes, a system of espionage is kept up; and in the interval between the annual elections the ferment is enlivened by the contest for the registration. We live, therefore, in a constant fever. If by the abatement of sectarian violence is to be understood the unnatural union between the body of Dissenters of the most opposite opinions with the members of the Roman Catholic Church—a union intended only to effect a common purpose, and which must most assuredly terminate when that purpose is answered (if answered it shall ever be) in increased hostility to each other—then, indeed, such an abatement has taken place. In any other respect the assertion is unfortunately as little true as the other averments of the statement."

The noble Viscount, besides referring to Bristol, alluded to Cambridge, Leicester, Norwich, and several other places. He would therefore read a statement from Cambridge, which was communicated to him on an authority quite satisfactory, and that statement, like the one from Bristol, was completely at variance with the statement made by the noble Viscount, and which he wished to be taken as the foundation of a similar system in Ireland. He had thought it his duty to say thus much with respect to the measure before the House, and thus much with respect to the conduct of his Majesty's Government. But the people of Ireland were desirous that a Municipal Bill should pass. He was desirous, as he had already stated, that a Bill should pass, provided, as he had also said, such a Bill could be so formed as to be consistent with the tranquillity of that country and the safety of those interests to which he had adverted. He was desirous that that Bill should be founded on the principle of election. He was desirous it should be founded on the principle of election, so as to ensure responsibility among those persons who were to be elected, and to whom the administration of the different towns was to be intrusted. Being desirous that that object should be accomplished, being desirous that this question should be set at rest, being desirous that as far as was possible the wishes of the people of Ireland should be complied with, he came to the conclusion originally of supporting the motion of the noble Duke, and he was only acting consistently now in praying for an extension of the time that was originally granted. He wished this measure postponed till the time when the Irish Church Bill might come before them, which he supposed would be at no very distant period. It was possible, that the provisions of that Bill might be such, either in the form in which they would reach their Lordships, or as their Lordships might frame them, as to put the Church of Ireland, as far as its property was concerned, on a safe and secure foundation. When that was accomplished, one great impediment to the passing of this Bill would, in his opinion, be removed. There was another Bill in the other House of Parliament, establishing the principle of rating which was to be extended to the whole of Ireland. When that Bill came up to this House, they might find that it afforded materials for the settling of the qualification on a secure basis, so that they could establish not a mere nominal qualification, but a qualification tried by the best possible test, that of bearing the public burthens of the country or of the place. Should that be the case, and he anticipated that it would be, they might then be able to model an important part of the Bill so as to free it from those objections to which it was exposed. It was on this ground—it was because he hoped to be able to pass the measure in a manner that would be satisfactory to the people of Ireland, instead of voting for its rejection on the present occasion, or at any future stage, that he was desirous of having another opportunity of forwarding, or of framing it, in conformity with the principle he had mentioned. For the accomplishment of that object, and in furtherance of those views, he should propose, as an amendment to the motion of the noble Viscount, that the word "now" be struck out, for the purpose of substituting "the third of July." He named that time, because he concluded that the bills he had mentioned could not be before the House at an earlier period: but if any assurance were given by the noble Viscount that they would come up at an earlier date, he was willing to alter the day to the earliest possible period.

Viscount *Melbourne:* Judging from the commencement of the noble and learned Lord's speech, though I was well aware he was going to make the motion with which he concluded, yet I must own that, judging from the commencement of the noble and learned Lord's speech, I did hope that, on the general subject at least, he was about to adopt a calm, cool, and dispassionate tone; that he was about to adopt a tone which would not be altogether, otherwise than conciliatory; a tone exhibiting that fair and proper feeling to which I beg to declare myself not at all insensible. I am sorry to say, that my hope has been disappointed. The noble and learned Lord has, in the course of his speech, used expressions and uttered sentiments which, in my opinion, are very little if any less objectionable, which are very little if any less offensive, which are very little if any less likely to have a prejudicial effect on the feelings of the two countries, than was that speech which he delivered on a former occasion in this House with such eminent success—with so much success in exciting indignation and passion—with so much success in accumulating every difficulty and obstacle possible in the way of a fair and conciliatory conclusion of this subject. What does the noble and learned Lord say on the present occasion? In the course of that invective in which he has thought proper to indulge, he has said, that those who compose the Conservative meetings, are the friends of the King and Constitution; while we, the Ministers, are supported by none but the enemies of the Constitution. What right has the noble Lord to make that assertion? What right has the noble and learned Lord to make that charge? Be they Roman Catholics or be they Dissenters, by what right does he assume that superiority of character? What entitles the noble and learned Lord to assume that right to censure and condemn? Is his character so high? Is his character so far above theirs as to justify him in setting himself up as the censor of others—as the censor and condemner of such large masses of his fellow subjects? I mean to speak nothing but what is respectful of that noble and learned Lord. I have always expressed a great respect for his abilities; and I repeat what I have more than once in this House stated, that I confine my respect strictly to his abilities. Having that respect for his abilities, I say it is not fitting—I say it is not becoming the station which he has filled in this country—that he should cast this bitter censure on so large a body of his fellow countrymen and fellow subjects. But with respect to the question which the noble and learned Lord has brought before the House, I stated on a former occasion that I could not concur in the grounds which the noble and learned Lord has submitted for the postponement of the measure; and having objected to them on the 5th of May, it is not likely that I should concur in them now on the 9th of June. I do not think the reasons urged are at all sufficient. I think it is unusual, I think it is most imprudent, I think it is most unwise, to make the operations of this House depend on anything passing in the other House of Parliament. I say, first, that the course proposed is a new mode of proceeding; I say it is an inconvenient mode; I say that it cannot tend to advantage between two co-ordinate Assemblies, each being a House that is the guardian of its own powers and privileges, and acting one on the other; I say, that proceeding on this principle is not likely to bring this matter to a satisfactory conclusion. My Lords, I see no reason why your Lordships should not go into Committee at present. The noble and learned Lord has stated objections to the details of the bill; he has objected to the jurisdictio given to the corporations; to the exten of patronage they will have at their disposal. These, however, are all questions for the Committee into which I now move your Lordships to go. But though the noble Lord stated these objections to the details, the greater part of his speech went to the principle of the bill—it referred to the state of Ireland—to the state of the population of Ireland—to the power to be given to those who form the greater portion of the population of Ireland. The noble and learned Lord said the bill proposed to confer on them a power which cannot, with safety to the Protestants of Ireland be trusted to them. Yet he says the people of Ireland are desirous of the bill; and he also is desirous that the bill should pass. He is desirous, too, that it should be founded on the principle of election. Why, is it not extraordinary that he should be desirous of passing this measure, entertaining the opinions he has expressed respecting the majority in Ireland, and the motives by which they are actuated? But the noble and learned Lord would have the bill founded on the principle of election. Now, I will answer for it, that be his ingenuity and skill what they may, he will not be able to escape from the difficulty of the majority of the population of Ireland being Roman Catholics. If that really unfits them to possess the privileges which this bill would confer on them, no skill or ingenuity of his can ever contrive an escape from it. I therefore, beg to say, that, in my opinion, he has acted most inconsistently in giving any countenance to the bill whatever. The noble and learned Lord, having been unfortunately absent during a considerable portion of the session, has come forward on the present occasion, and raked up all the topics of the Roman Catholic Association, and the appointment of persons who were members of that Association to office in Ireland, those topics having been discussed over and over again. It was what the session began with, and, according to the noble and learned Lord, it seems to be that with which he intends the session shall close. The noble and learned Lord appeals to his own consistency and to the consistency of the House on the present occasion. He says you cannot, consistently with what you have already done, adopt any other course than that of postponing the bill on the grounds on which you postponed it before. I beg to claim for myself, and for the noble Lords beside me, the privilege of paying some attention to our consistency, and we feel that we cannot give our consent to any further postponement, having objected on a former occasion to the reasons advanced in favour of the delay as insufficient. I stated that to act on the grounds which were then proposed would be most dangerous, and to postpone the forwarding of one bill till some other bill comes down from the other House is a course of great difficulty and delicacy. I put it to the noble Duke, than whom there is not, I believe, one of your Lordships who is more capable of taking a sound practical view of any question, whether it is not so? I ask him whether he thinks it practicable for the two Houses to proceed in this manner—whether some accident is not likely to occur—whether some temper may not be excited—whether some difficulty would not probably arise which would render it impossible to bring the matter to a satisfactory termination. The course proposed is one more refined and subtle, I will venture to say, than any which the sound sense of the noble Duke ever suggested, or which has come within the range of his experience. With great bodies of men you cannot act in that manner, and if that be the object which we have in view we shall fail. Then why not go into Committee? What is the reason why you will not go into the consideration of this Bill—why you will not go into Committee, and then take into consideration all the practical suggestions of the noble and learned Lord, rejecting all the general objections with which he has chosen to accompany them, and which, if allowed to take effect, would be fatal to the whole measure? The noble and learned Lord has alluded to Gentlemen whom he has pleased to call the patrons and defenders of the Government. He says we are entirely supported by the Roman Catholics of Ireland, and we are therefore willing to assist and promote their interests every way in our power to the prejudice of the Protestants at large. I say that is not the case. I beg to deny that imputation altogether. I beg to say, that we are no more willing to see the Protestant interest in Ireland trampled or trodden under foot than he is—not in the slightest respect. We are determined to assert the rights, liberties, and properties, and all that belongs to every class of his Majesty's subjects, whether they are of the Church Establishment, or whether they are not of it—whether they are of one description of faith or of another. The noble and learned Lord has adverted to the Roman Catholic Association of Ireland. I have said what I think of that Association, and I do not consider it necessary to repeat my remarks on the present occasion. But the noble and learned Lord says, was there ever such an Association before? In reply, I think I might endeavour to recal to the noble and learned Lord's recollection, whether, when he sat on the woolsack from the year 1827 to the year 1829, there did not exist such a body in the country? The noble and learned Lord then called to his aid neither the common law, if that was sufficient, nor did he introduce any new statute on the occasion. [Lord *Lyndhurst* expressed dissent.] I know what the noble and learned Lord is going to say, he would tell us that he did introduce a new statute; but though he did so, was it not under cover of the Concession Bill—of that Bill which was to confer equal civil rights and privileges on the Roman Catholics? I will not inquire now whether what was done on that occasion was prudently or wisely done, nor will I express an opinion as to the observation which accompanied the measure, because I do not wish to stir up matters which formerly created great differences of opinion; but I cannot help saying, that I think, unless it had been the intention to concede to the Roman Catholics all they required as regarded equality of civil rights, that concession never would have been made. The noble and learned Lord has stated, that we gave way to the Roman Catholics of Ireland, and speaks of the Association in Ireland as a Roman Catholic Association. Unfortunately that Association is not a Roman Catholic association; and if there is any thing dangerous and formidable in that Association—if there is anything which makes it more dangerous and formidable than the former one, it is, that a body of Protestants belong to it, and that it has a more general character than any that ever before existed in that country. With respect to persons who have been members of that Association having been appointed to office in Ireland, I must say, most distinctly, that when an Association comprises amongst its members many distinguished individuals—when it has grown up to be of considerable importance—when it has excited a great deal of enthusiasm in the minds of young men, and many young lawyers have been induced to enrol their names in it—I think it would be unwise, I think it would be exceedingly imprudent, on the part of the Government to pronounce against all connected with it a ban of exclusion from office. But, says the noble and learned Lord, that is what you have done with respect to the Orange societies. Now I beg to say, that though that course was proposed by the Government, I entertained doubts as to its policy; I will even say, that I never came to a decision with greater doubt; but I yielded to the proposition on account of the peculiar character of those societies. They were entirely secret—the members were bound together by secret oaths. I never have been initiated in their mysteries, but they were similar, I believe, to those of freemasonry. I have understood that rites were observed of a very solemn nature; that they were of an awful devotional character. Certainly the members of the Orange lodges sometimes were bound by illegal secret oaths and awful ceremonies.

The Duke of *Cumberland* having been

much connected with those societies, he begged to observe, that there never was any thing of the sort described by the noble Viscount, or he certainly never would have countenanced them.

Viscount *Melbourne*: If there were not secret oaths, nobody could go in but members; the proceedings were secret.

The Duke of *Cumberland:* The meetings of every club in London are secret. I never would have belonged to a society in which any oaths were taken of the sort mentioned by the noble Viscount, or in which there were any proceedings contrary to the spirit of the laws and constitution of the country.

Viscount *Melbourne:* The members of the Orange societies were, as I believe, bound together by oaths of secrecy; and that induced me to adopt, with respect to them, the policy of excluding them from office under the Government. The noble and learned Lord, in speaking of the Roman Catholic Association, made it a ground of charge against them that they took on themselves to levy money, to nominate candidates, and to influence the elections. Will the noble and learned Lord allow me to ask him, is there no club in London which does that. Does he know of no club in which money is raised, and that has been instituted for the very purpose of carrying such objects as the influencing of elections into effect? If that is to be a complaint against the Roman Catholic Association, there are other bodies that must share it. I deny that any encouragement of the General Association has been given by his Majesty's Government, and I say, that to appoint a professional man to office under the Government, who has been a member of it, is not to afford it undue encouragement. The noble and learned Lord had observed, that 100 years ago the number of Catholics in Europe was not equal to the number existing at present. I do not know to what countries he alludes; but if it be a fact that the Protestants are diminishing, or that the Roman Catholics are increasing, I am sorry to hear it. I am sorry to hear that the Roman Catholic religion is gaining anywhere on the Protestant religion. I have seen a statement to that effect in the writings of men of ability, but I hoped that it was not accurate, and I regret to hear a similar statement made on the authority of the noble and learned Lord. But, if it be true, that don't alter the present case at all. If the Catholic religion be winning and gaining —if it be increasing and drawing on the reformed religion—it is not by refusing to impart to the Roman Catholics the rights and privileges belonging to them, it is not by objecting to their number, that we shall correct or remedy that which we regret. The noble and learned Lord had adverted to one or two of the arguments which I used when I had the honour of submitting this Bill to your Lordships' consideration, and he has more particularly adverted to the proofs I furnished of the successful working of the English Municipal Bill. That, perhaps, was an imprudent argument to use, it certainly has had the effect of raising more discussion than I intended, and might tend to prevent that very good which it was my object to show existed. What I have always said, was, that it would be, and I now say, it is evident that the Bill has worked better—that it has worked more smoothly—that it has worked more tranquilly in the second year of its operation than it did in its first. I expect it to work still better next year. As evidence of the success of that fact, I appeal to time, which tries and passes judgment on all measures. With respect to the operation of the Act at Bristol, and the counter statement of the noble and learned Lord, I have only to remark that I have been intrusted with a large petition from Bristol, agreed to at a public meeting, which confirms everything I stated on this subject on a former occasion. That petition I shall have the honour to present to your Lordships, and I do not wish to excite any further discussion on the subject, because I know it is one on which parties might be found who would make assertions on the one side, which would be denied on the other, without coming to a satisfactory conclusion. My Lords, I again declare that I cannot agree to the proposed postponement of the Bill. I must say, "not content" to that postponement. Having made these observations, I shall pass by all the more violent parts of the noble and learned Lord's speech. His long absence will perhaps account in some degree for the violence in which he has indulged, it may be the result of his opinions having been for a considerable period pent up. In conclusion, I must say, not only "not content," to the postponement of the Bill, but also "not content" to the recurrence of any of the warmth which has been allowed to exhibit itself in these discussions.

Their Lordships divided on the original motion:—Contents 74; Proxies 119; Not-Contents 128; Proxies 77—205; Majority 86.

List of the CONTENTS.

DUKES.
Argyle
Grafton
Norfolk
Somerset
Sutherland
MARQUESSES.
Clanricarde
Conyngham
Headford
Lansdowne
Queensbury
Tavistock
Westminster
EARLS.
Albemarle
Burlington
Camperdown
Cork
Ducie
Fingal
Fitzwilliam
Leitrim
Meath
Minto
Morley
Oxford
Radnor
Roseberry
Scarborough
Shrewsbury
Spencer
Thanet
Uxbridge
Yarborough
VISCOUNTS.
Duncannon
Melbourne
BARONS.
Arundel
Barham
Bateman
Brougham
Byron
Cottenham
Crewe
Dacre
Denman
Dinorben
Falkland
Foley
Gardner
Glenelg
Godolphin
Hatherton
Howard of Effingham
Howden
Kinnaird
Langdale
Lilford
Lynedoch
Mostyn
Poltimore
Portman
Saye and Sele
Seaford
Strafford
Suffield
Templemore
Teignham
Torrington
Vernon
BISHOPS.
Chichester
Durham
Ely
Kilaloe
Ripon
Salisbury

Proxies.

DUKES.
Bedford
Cleveland
Devonshire
Hamilton
Leinster
Marlborough
Sussex
MARQUESSES.
Anglesea
Breadalbane
Sligo
Winchester
EARLS.
Besborough
Carlisle
Charlemont
Derby
Durham
Errol
Essex
Ferrers
Gosford
Granard
Granville
Huntingdon
Ilchester
Ludlow
Mulgrave
Ranfurly
Shannon
Suffolk
VISCOUNT.
Bolingbroke
BISHOP.
Lichfield & Coventry
BARONS.
Auckland
Belhaven
Cloncurry
Dorchester
Dormer
Dunally
Dundas
Erskine
Glenlyon
Holland
King
Plunket
Sherborne
Western

List of the NOT-CONTENTS.

DUKES.
Cumberland
Dorset
Newcastle
Northumberland
Rutland
Wellington
MARQUESSES.
Bute
Camden
Cholmondeley
Hertford
Salisbury
Thomond
Westmeath
EARLS.
Abingdon
Bandon
Beauchamp
Brownlow
Caledon
Carnarvon
Dartmouth
De Grey
Devon
Digby
Doncaster(Buccleugh)
Falmouth
Glengall
Graham (Montrose)
Harewood
Harrowby
Hillsborough
Jersey
Leven
Limerick
Liverpool
Lonsdale
Macclesfield
Manvers
Morton
Orford
Orkney
Plymouth
Ripon
Rosslyn
Selkirk
Shaftesbury
Stamford
Tankerville
Vane (Londonderry)
Verulam
Warwick
Wicklow
Wilton
VISCOUNTS.
Canterbury
Combermere
Exmouth
Gordon (Aberdeen)
Hawarden
Hood
Hutchinson (Donoughmore)
Melville
St. Vincent
Sydney
ARCHBISHOP.
York
BISHOPS.
Bangor
Carlisle
Chester
Exeter
Gloucester
Llandaff
Lincoln
Oxford
Rochester
Winchester
BARONS.
Abinger
Alvanley
Ardrassan(Eglintoun)
Bagot
Bayning
Bexley
Bolton
Boston
Braybrooke
Camden (Brecknock)
Carteret
Churchill
Clanbrasel (Roden)
Clinton
Colchester
Colville
Cowley
Delamere
De Saumarez
Dunmore
Dunsany
Ellenborough
Feversham
Fitzgerald
Fitzgibbon

Forester
Gage
Hay (Kinnoul)
Heytesbury
Kenyon
Kerr (Lothian)
Loftus (Ely)
Lyndhurst
Manners
Maryborough
Meldrum (Huntley)
Melross (Haddington)
Monson
Montague
Penshurst (Strangford)
Rayleigh
Ravensworth
Reay
Redesdale
Rolle
Saltersford (Courtown)
St. John
Sondes
Southampton
Stewart of Garlies (Galloway)
Stuart de Rothesay
Tenterden
Wharncliffe
Willoughby de Broke
Wynford

Proxies.

DUKES.
Beaufort
Buckingham
Leeds
Manchester

MARQUESSES.
Aylesbury
Bristol
Tweedale

EARLS.
Airlie
Aylesford
Bathurst
Belmore
Beverley
Bradford
Buckinghamshire
Cardigan
Clancarty
Dela Warr
Elgin
Enniskillen
Guildford
Home
Hope
Lindsey
Lucan
Malmesbury
Mansfield
Mayo
Mount Cashell
Mount Edgecumbe
O'Neil
Onslow
Pembroke
Powis
Sandwich
Somers
St. Germain
Talbot
Westmorland
Winchilsea

VISCOUNTS.
Arbuthnot
Beresford
Canning
Doneraile
Gort
Hereford
Lorton
Sidmouth

ARCHBISHOP.
Canterbury

BISHOPS.
Cloghe
London
St. Asaph

BARONS.
Arden
Carbery
Carrington
Clanwilliam
De Tabley
Douglas of Douglas
Dynevor
Farnborough
Farnham
Forbes
Harris
Hopetoun
Oriel (Ferrard)
Ormonde
Prudhoe
Rivers
Rodney
Sinclair
Sheffield
Skelmersdale
St. Helen's
Thurlow
Tyrone (Waterford)
Walsingham
Wigan

Paired off.

CONTENTS.	NOT-CONTENTS.
Bishop of Hereford	Viscount Maynard
Lord Lovat	Lord Wallace
Earl Sefton	Earl Poulett
Earl of Lichfield	Marquess of Exeter

Amendment carried, Committee put off.

HOUSE OF COMMONS,

Friday, June 9, 1837.

MINUTES.] Petitions presented. By Mr. SHAW and Mr. Sergeant JACKSON, from the clergy of Cloyne, Ross, and Munster, against the Ministerial Bill for the abolition of Tithes.—By several hon. MEMBERS, from various places, for the total abolition of Tithes.

WIGAN RECTORY.] On the motion of Mr. Brotherton, the Order of the Day for resuming the adjourned debate on the Wigan Rectory Bill having been read,

Mr. *Hindley* moved a clause providing "that nothing in that Act contained shall in any manner prevent or interfere with any future appropriation by Parliament of any of the monies raised under and by virtue of this Act to the providing salaries for additional ministers of the Established Church in the parish of Wigan."

The Earl of *Darlington* said, the object of the Bill was to enable the rector to let a portion of the glebe on building leases; and agreeably to the wishes of the inhabitants of Wigan, the Committee had resolved that space should be left vacant for the recreation and enjoyment to which the townspeople had long been accustomed on these common lands, a part of which should continue to be held on the same tenure as at present, and not be liable to be built upon. The clause, if passed, would, in his opinion, completely establish the right of that House to interfere in the disposition of private property. The parish of Wigan was a large one, but yet he had never heard that additional ministers were wanted by the parishioners. If any such necessity were proved to exist, he should have no hesitation in saying, that the rector ought to pay those ministers out of his own pocket. In his opinion no private property would be safe if Parliament were to give the power embodied in this clause, to which he trusted the House would never be brought to accede.

The House divided on the question that the clause be brought up:—Ayes 29; Noes 84:—Majority against the clause 55.

On the question, "That the Bill do pass,"

Mr. *Hindley* did not want to injure any clergyman connected with the Established Church—but when he found a Bill of this nature before Parliament, which sought to double the income of the rector, in a place where 18,000 persons had been proved to be utterly unprovided with spiritual education, he felt bound to oppose it.

Mr. *E. Ellis* said, that there had never been an inclosure of the property hitherto, and there was a well in the centre of the ground sought to be enclosed, which was of great use to the inhabitants of Wigan, who had strongly petitioned against the Bill, and the only person that would be benefitted was the rector.

The House divided:—Ayes 112; Noes 59:—Majority 53.

Mr. *Hume* said, that on Monday a Committee was to be appointed to consider of the best means of increasing the value of Church-lands by a different manner of leasing. The Bill then before the House prejudged that question; he therefore moved that the question be postponed till that day six months.

Mr. *D. W. Harvey* regretted the absence of his Majesty's Ministers. The House appeared to be studiously kept in the dark on the question. It was admitted that the rector of Wigan already enjoyed an income exceeding 2,000*l.* a-year—he was informed 2,300*l.*; now the effect of the Bill was, to double that income. The Gentlemen opposite had come forward upon a late occasion as the most strenuous supporters of the Church, as the poor man's church. Now that an opportunity presented itself when they could carry out the views they had then only theoretically put forth, every club had been scoured and emptied in order to swell the numbers of the Conservatives against their avowed principles. He trusted the House would, by some means or other, procrastinate the measure even in its final stage, until the Ministry were present to clear themselves from the inference which might be drawn against them, and to give hon. Gentlemen opposite an opportunity of considering the vote they were about to give.

Mr. *Hindley* begged to ask the right hon. Gentleman in the Chair, whether it would be in order then to move that the title of the Bill be altered.

The *Speaker* answered in the negative.

Mr. *Hindley*: The question was, whether the House would allow this money to go to the increase of the luxury of any individual.

Mr. *Baines* had a return by which it appeared that the gross income was 2,823*l.* a-year, and the net 2,330*l.* There was a want of church accommodation in the parish. Where, he would ask, could there be a better opportunity than the present of increasing church accommodation? The question was, whether the House would sanction the proposition for increased accommodation, or would uphold the abuses of an overpaid Church?

Mr. *Roebuck*: There is a great deal of hypocrisy in this House. I see the right hon. Member for Cambridge opposite. I want to meet that right hon. Gentleman on this matter. I hear very often on the opposite side of the House great statements made about accommodation for the worship of God. I heard this week, on Wednesday night, great statements made about the necessity of worshipping God on the Sabbath-day, and now we have in opposition to the worship of God a certain sum of money to be put into the pocket of the rector. And now we shall find the value of certain protestations by the vote that will be given on this occasion. Which will carry it, worship or the parson's pocket? The parson's pocket, if I understand it. You talk about worship when it is for your own peculiar party purposes, but when there is a question of whether you are to have money or worship, you are all for money. The question is this:—a certain clergyman, having about 2,000*l.* a-year, wishes to put about double that sum into his pocket by an improved value given to the estate by Act of Parliament. The real question before us is, are we to interfere by an Act of Parliament so as to increase the value of Church property when there is before the House a measure respecting improving Church property generally? This is nothing more than an attempt by a side-wind to take out of the operation of that Act a particular person, and I am somewhat surprised his Majesty's ministers are not here to defend or resist a specific violation of their measure to a very important extent, and let the country understand to what extent it is.

Lord *Stanley* said, the rector and patron of the living of Wigan applied for powers to build on a certain portion of land connected with a living, and also for liberty to mine for coal under the same land. A complaint was, however, made that there was on the land a public well, and that several public footpaths crossed it, which it would be unjust to shut up. These points were referred to the two hon. Members for Wigan, and an arrangement was made, whereby not only the footpaths and the well secured to the inhabitants, but twelve acres of land were given to them for recreation. The sole object of the Bill was to allow buildings to be erected and the land to be mined for coal. He admitted that the value of the living was 2,000*l.* a-year net; but out of that considerable sums were paid by the incumbent, one of the most liberal men he ever was acquainted with, in stipends to curates, and in supporting minister's chapelries. He believed that he was fully justified in asserting that the rev. gentleman dispersed annually 1,100*l.* among his curates and parishioners.

Mr. *Wakley* said, when the question of Church-rates was brought forward, hon. Gentlemen opposite said, they had no objection to Church property being improved, but that the increase should be applied to procure religious instruction for those destitute of it. Now, what were hon. Gentlemen opposite doing? Instead of securing the increased funds for those destitute of instruction, they were handing the funds over to a fat rector.

The House divided on the question of postponement:—Ayes 108; Noes 189: Majority 81.

Mr. *C. Buller* said, if there was a great opposition got up at the last stage of the Bill, it was because the Bill was a job, carried through so privately that those who are not locally acquainted with Wigan, or with the parties, knew that its object was to convert public property—Church property—to private purposes. He should move an amendment to the title of the Bill, in order to show that those who opposed the Bill would not lend themselves to private Committee jobbing. He begged to move to leave out the last four words of the Bill, and to insert these words—"To enable the rector and patron of the same to increase their private property out of Church property, which was much needed for spiritual purposes in districts which were represented to be in a state of spiritual destitution."

Mr. Hume seconded the amendment.

Mr. Hindley would move that the debate be adjourned to Monday.

The House divided on the question that the debate be adjourned:—Ayes 66; Noes 165: Majority 99.

The amendment of Mr. Buller was negatived without a division.

We subjoin the lists of the division only on the question "That the Bill do pass."

List of the AYES.

Agnew, Sir A.
Ainsworth, P.
Alsager, Captain
Ashley, hon. H.
Bailey, J.
Balfour, T.
Barclay, C.
Barneby, J.
Beckett, right hon. Sir J.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Bolling, W.
Bonham, R. F.
Bradshaw, J.
Brotherton, J.
Canning, right hon. Sir S.
Cartwright, W. R.
Chaplin, Colonel
Chapman, A.
Clerk, Sir G.
Clive, Viscount
Clive, hon. R. H.
Cole, Viscount
Compton, H. C.
Corbett, T. G.
Crewe, Sir G.
Dalbiac, Sir C.
Duncombe, hon. W.
Duncombe, hon. A.
Eastnor, Viscount
Egerton, Lord F.
Elwes, J. P.
Estcourt, T.
Feilden, W.
Finch, G.
Fitzroy, hon. H.
Fleetwood, P. H.
Forester, hon. G.
Forster, C. S.
Fox, C.
Gaskell, Jas. Milnes
Gore, O.
Goulburn, rt. hon. H.
Greene, T.
Gresley, Sir R.
Grimston, Viscount
Hamilton, G. A.
Harcourt, G. S.
Hardy, J.
Hayes, Sir E. S.
Herries, rt. hon. J. C.
Hogg, J. W.
Hope, H. T.
Hotham, Viscount
Houstoun, G.
Jackson, Mr. Sergeant
Jervis, J.
Johnstone, Sir J.
Johnstone, H.
Jones, W.
Jones, T.
Irton, S.
Kearsley, J. H.
Knightley, Sir C.
Law, hon. C. E.
Longfield, R.
Lowther, hon. Col.
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Maunsell, T. P.
Mordaunt, Sir J.
Mosley, Sir O.
Nicholl, J.
Palmer, G.
Parker, M.
Parry, Sir L. P. J.
Pemberton, T.
Pigot, R.
Polhill, F.
Pollen, Sir J. W.
Pollington, Viscount
Price, R.
Richards, R.
Ross, C.
Rushbrooke, Colonel
Ryle, J.
Sandon, Viscount
Sheppard, T.
Shirley, E. J.
Smyth, Sir H.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Surrey, Earl of
Tennent, J. E.
Thomas, Colonel
Townley, R. G.
Trevor, hon. A.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Vyvyan, Sir R.
Walker, R.
Whitmore, T. C.
Wilbraham, hon. B.
Wilmot, Sir J. E.
Wodehouse, E.
Wortley, hon. J. S.
Wrottesley, Sir J.

TELLERS.

Darlington, Earl of
Patten, J. W.

List of the NOES.

Baines, E.
Berkeley, hon. F.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brodie, W. B.
Browne, R. D.
Byng, G.

Codrington, Admiral
Collins, W.
Crawford, W. S.
Divett, E.
Duncombe, T.
Dundas, hon. T.
Ellice, E.
Etwall, R.
Fenton, J.
Ferguson, Sir R.
Grote, G.
Guest, J. J.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Heron, Sir R.
Hume, J.
Humphery, J.
James, W.
Johnston, A.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Macleod, R.
Mactaggart, J.
Mangles, J.
Marshall, W.
Marsland, H.
Musgrave, Sir R.
Ord, W.
Pattison, J.
Roche, W.
Strutt, E
Stuart, V.
Talbot, J. H.
Thornley, T.
Turner, W.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Wallace, R.
Wason, R.
Wilbraham, G.
Wilks, J.
Williams, Sir J.
Wood, Alderman

TELLERS.

Hindley, C.
Strickland, Sir G.

STATE OF THE NATION.] On the Order of the Day being read,

Mr. *Roebuck* said, it would be in the recollection of the House that he had given notice of a motion relative to the state in which the Government stood, and he considered the present occasion a fit opportunity for redeeming his pledge. The Order of the Day for the second reading of the Irish Tithe Bill had been put, and it appeared to him that they were about to lose their time by so doing, because even if they passed that Bill it could not become a law, at least under the auspices of the present advisers of the Crown. The circumstances in which that House stood were most remarkable, and required deep consideration. Two bills had been sent up to the other House of Parliament, but they were told the House of Lords would not take them into consideration until something had been done by that House to please them. Of that threat no notice was taken, and particularly none by his Majesty's Ministers; and he was bound to say, from their whole conduct, that they did nothing for the people, though they did much against them; their labours, in fact, were little better than nothing. The House and the country had been told at various times that justice was to be done to Ireland; but what he wished to call the attention of the House to, was the situation in which this House, the country, and the Government were at the present moment; and he asked the House, and he asked his Majesty's ministers, if they were not in a very extraordinary difficulty? What was the difficulty? There was no Government of the country. The difficulty was, that the time of the House was spent to no purpose; and further than that, the stoppage to business was not only caused by the other House, but also by the House of Commons. But the other night the Government had really suffered a defeat on the Church-rate Bill, when, on a division, they had only a majority of five in their favour. Now, every one knew that was virtually a defeat, and the Bill could not again be brought forward in that House. Ministers were not in the position in which they stood at the commencement of the Session. They stated then they would place their existence as Ministers on the fate of the Corporation Bill for Ireland. The noble Lord the leader of that House stated in his place, that if the Bill did not pass the House, he and his colleague would retire. What had become of that Bill? Why, it had been postponed, and it was distinctly understood that it would be postponed till the Lords knew what that House was about. The other House thwarted and obstructed measures sent up to them and virtually said to the House of Commons, "if you will not do what we like, we will not pass your bill." That was the position of the House of Lords; but obstruction and delay were not confined to the House of Lords. What had been done in that House? Every proposition—every measure brought forward for removing the evil, the noble Lord and the Government had distinctly and unequivocally refused to pass. Every one of these propositions the noble Lord had got rid of by an evasion. In what state, then, were they? Paralysed. And he asked the noble Lord, he asked the House, and, further, he asked the country, what good was to be derived from playing over a farce by discussing the Irish Tithe Bill? Did they not know that, if it passed that House, defeat awaited it elsewhere, and that it could not become a law? Every one said to his neighbour, that it was of no use to discuss such a measure, because it was sure to be lost. He wanted, therefore, to see if the position of the country could be altered he wanted to see if there were any means of extricating the House and the country from the difficulty. Every body knew the difficulty was great—every body knew that the existence of the ministry hung on a thread, and if present circumstances continued, there would not be a ministry much longer. Now, that was said in private. Why should it not be said in public? Why should the government not admit and give publicity to the fact? But that was the way in which a ministry called liberal and returned to office by the popular voice, rendered the services the people expected of them. They pursued a line of policy which their best friends dreaded and which their enemies admired. They were useless for good purposes—they were of use only for evil, and as far as the people were concerned were only mischievous; and if they remained in that hopeless condition there would be no result but mischief to the people. I am willing to allow, that Ministers have honest intentions, and are desirous to carry out the fruits of the Reform Bill; but still I must ask what has been done? It must be in the recollection of every one that on the passing that Reform Act the unrepresented classes (that is, those who were to remain unrepresented after the passing of the Reform Act) determined to forego their claim to the franchise, upon the representations made to them by their friends of the advantages to be derived from that measure when it became a law. Solemn promises were made on the part of the new constituencies of great reforms to be effected in all departments of the Government, and the public at large entertained great hopes in consequence of these magnificent promises. For example, the people were told that important reductions should take place in the expenditure of the state. Improvements were promised in the administration of the law in all its branches. Justice to Ireland, so long delayed, was now confidently anticipated. It was supposed that by a reformed Parliament effectual means would be provided for the education of the people, and thus the ground laid for getting rid of every objection to the extension of the suffrage to all classes of the people. And, furthermore, we were told that the government of corruption was to be ended for ever, and Tory domination was said to be doomed to eternal destruction. The hopes then raised have been miserably disappointed—the promises then made have been shamefully broken. The expenditure of the country is as wasteful and extravagant as in the palmy days of Toryism. There has been no actual reduction of expenditure [*Oh, oh!*]. Hon. Members may cry "Oh, oh!" but unfortunately there are certain o, o, o's at the end of certain figures [*Cheers and laughter*]. The administration of the law is as disgraceful now as before the days of the reformed Parliament. Now, under the auspices of a liberal Government, there is one law for the rich and another for the poor, and justice is utterly denied to the indigent. Justice has not been done to Ireland. The education of the people is left to the government of chance, and so far from attempts being made to extend the franchise, every nerve has been strained to narrow and curtail it. The government of corruption is not ended, neither are the days of Toryism numbered. A few nights since the so-called liberal Government were defeated—not in the House of Lords—not in the Chamber of hereditary and irresponsible Legislators—but here, in the Commons' House, as it is denominated;—here, by the representatives of the people, have the measures of the liberal Government been repudiated. Here, by the very power by whose aid we expected to overawe and control the opponents of the popular will, have all our vain hopes been destroyed; and we have learned, at length, that, before good government can be attained, yet more extensive and searching reforms must be made in the frame and constitution of the Legislature. And, to sum up the catalogue of evil, it is now evident to every one that the present Government is doomed; every one says this to his neighbour in private; I cannot understand why it should not be publicly avowed. We all of us well know that the termination of the present ministry is but a question of small time; and we look upon the early incoming of that party which we were confidently told was for ever destroyed as inevitable as to some it is painfully disagreeable. But, while we are all thus agreed as to the result—while every one knows, and by a sort of instinct feels, that the early dissolution of the present Cabinet is certain—we are far from universally understanding the cause of this disagreeable effect. When it is asked why things are so, few are prepared with any, still fewer with the right, answer. I will at once offer to the House my explanation of the causes of the present embarrassments of the Government, and describe the only remedy for the disease under which they labour. I will assume, Sir, by way of hypothesis, and for the purposes of the present argument, that the Ministry are honest in their intentions, and that when they came into power they really desired to obtain for the people that which the people believed to be the legitimate fruits of the Reform Bill. The real state of the Legislature at that time ought to be carefully recollected. One branch of the Legislature, viz. the House of Lords, were well known to be bitterly hostile to the popular demands, and the House of Commons also was known very imperfectly to represent the whole population of the country. Working, then, with instruments thus defective, two courses lay before the Ministry seeking to obtain for the nation that good Government which they had long demanded. They might endeavour to win over their opponents by compromise, in the hope of disarming opposition; or they might pursue a bold and determined course, and thus force their enemies and the people's enemies to yield. Unfortunately the present Cabinet determined on the first course; and from the moment of their accepting office down to the present hour their Government, has been a constant see-saw between hostile principles. On no occasion have they laid down a rule on principle and steadily adhered to it, but have always sought to attain their ends by a shifting and evasive policy. For example, they have never hardly laid down and faithfully followed to all its consequences the leading principle of popular Government, viz., that the governors ought to be responsible to the governed. They have, however, constantly hinted at this doctrine, and have sought by side-wind attempts to carry it into practice, while, at the same moment, they have in words done every thing to impugn it. To-day they are liberal; to-morrow the reverse. Aristocratic in principle; democratic in pretence. So far as relates to the manner of their proceedings. The matter of their proposals has been of the same nature. They have come forward with large promises and mean performance. Vaguely liberal has been their talk—ineffective and useless have been their measures. What has been the necessary result? They have to the utmost angered their opponents; they have created an hostility that cannot be surpassed —fierce, bitter, and undying, it is impossible to increase and apparently impossible to allay it. But they have not done anything to inspirit their friends; and they have allowed the great body of the people to become indifferent respecting them; and exceedingly suspicious as to the honesty of their intentions. The people say that their expectations have been deceived, that none of the vaunted benefits of the Reform Bill have accrued to the nation, and that in every important particular the Government is now essentially the same as that in existence before the supposed improvement of the representation. The fatal consequence of this feeling on the part of the public is apathy respecting the present administration and all which may succeed it, while our institutions remain unaltered. And apathy among the people is destruction to a liberal administration. I have stated in this House before, that the existence of any administration which dealt in compromise, and which by this means sought to keep our institutions such as they are, could only be maintained by keeping the people in a state of constant excitement. This I then adduced as a great evil, and I still insist upon my former statement; and I complain now, as I complained then, of the conduct of the Ministry. A wise Government would have understood and properly appreciated the evil, and would have taken the only means of quickly and effectually remedying it. They would have placed before the people a plan of a constitution which would insure peace and good Government in a calm as well as an excited state. They would have told the people that one great effort was necessary; and they would have guided the movement they had created to a definite and certain end. But the present Government has, as usual, done only half of this. They have sought to keep the people excited—but not by hope, but by fear. They have not told them what they ought to desire, but have striven every nerve to point out an evil they ought to avoid. The great terror, the standing hobgoblin, by which they have wrought upon popular fear, has been the return of the Tories to power. This instrument of excitement has at length lost its power. The game of the Whigs has been played to the end, and failure and defeat now stare us in the face. The people are no longer terrified by the cry of "The Tories are coming."

They answer, "If they do come, what evil will follow? Our position under the Whig administration is no better than it was under the Tories, and if the latter come into power we shall be no worse off than now. We, through the instrumentality of the Whigs, have for the last five years lived a life of feverish hope and fear. Our hopes have been bitterly disappointed; we have begun to believe that our fears were as idle as our hopes." Such is now the language of the people; and the Gentlemen opposite who are so eager for power are thought to be strong because the Liberals become weak. They have not a greater hold upon the affections of the nation now than they had a few years since, but the Whig administration has lost its influence, and the cruel position of our Government is such that no Liberal Government can maintain its existence except during a state of popular enthusiasm towards liberal doctrines. The Whig Government has done nothing to take advantage of the favourable moment—they have not strengthened popular institutions, but have, by their neglect and trifling with every great principle, cooled down the enthusiasm that might have rendered them triumphant, and disgust has succeeded to hope. If it be asked why the people feel disappointed, I need only point to three cases in which, amongst others, their hopes have been cruelly disappointed. First, all hopes of justice to Ireland are at an end—at least all hope of justice being peaceably rendered to that country has vanished; second, all hope of justice to the Dissenters of England has also gone to the same bourne; and lastly, the unrepresented millions see no chance of obtaining what they desire—a share in that Government which decides upon their lives and fortunes. In every one of these cases, which I have selected from a mass by way of illustration, the cause of the people's disappointment is the same; and that is the course of compromise, the weak and dangerous trifling and tampering with principle, which the Government has followed and adopted. They were told at the outset of their career that this course would fail, and that such dishonest dealing with principle would lead to defeat. Has not the event justified the prediction? You have tried on your knees to obtain justice for Ireland—your real principles have been cloaked, hidden, shuffled over, distorted, twisted; degradation could not go further than I have witnessed on the part of the ministerial advocates of justice for Ireland: and what has been your reward? Contempt and scorn. Your enemies have trampled upon your measures; they have contemptuously delayed, changed, or rejected them, as the humour of their insolence suggested; and you have bowed and humbled yourselves to the dust, and with supplicant voice, and crouching, crawling subservience, have prayed them to be moderate in their supremacy. What ought you to have done? What you did not dare to do. You should have raised on high the banner of freedom for England and for Ireland. You should have boldly told the people of both countries justice could not be gained by either while an irresponsible body of hereditary legislators could at will dispose of the fortunes and the happiness of the people. Did you do this? Never. But you did all you were able to bring contempt upon those who pointed out the real seat of the mischief. You said you desired to introduce responsibility into the local Government of Ireland—so far you maintained the democratic dogma. But you scornfully treated all who explained to the people that the reason of the failure of your attempt was the irresponsibility of the House of Lords, and so far you, after the true see-saw or Whig fashion, favoured the aristocratic doctrine. The people looked on—they began to grow angry with the hereditary band of legislators. A word from you—a hand lifted up by one of the Ministerial leaders—would have created a feeling which the Lords could not have withstood. But, then, hereditary privileges would have been in danger, and your order would have suffered. Be it so —let us allow that your conduct was natural. It is plain that you love those exclusive privileges more than you love good government for the people, and that when the two things come into collision you in reality side not with the people, but with their enemies. Let the world know this—be honest in the matter, and do not pretend to be Liberals with such feelings predominant. So much for the way in which you dealt with a great principle when the happiness of Ireland was concerned. Now, let us look at the conduct you pursued when the great doctrines of religious freedom were at stake here in England. The Dissenters have petitioned this House to relieve them from an impost which, they tell us, presses hard upon their consciences—they tell us, that to maintain a church from whose doctrines they dissent is to them a grievous calamity—and the Ministry listen to their complaints, and they immediately assume the name of Friends of the Dissenters and of religious liberty. How do they manifest this their devotion to the cause of religious freedom? Do they come down to this House and openly avow the doctrines upon which alone these imposts ought to be abolished? No; they assure all those who maintain the supremacy of the Church of England, and who resist this proceeding as an attack upon that supremacy, that they are among the warmest friends of all the exclusive privileges of the Church of England; they say, also, that they are enemies of the voluntary system. Thus far they maintain the doctrines of religious tyranny. But, on the other hand, on the see-saw principle, they bring forward a measure the tendency of which is to support and advance the voluntary principle, and which can be properly supported only by an appeal to that principle: so far they are friends to religious liberty. The consequence of this proceeding has been defeat in this House—ignominious defeat, and disgust out of doors. The people are disheartened when led by such men, whose principles they cannot understand, and whose honesty consequently they begin seriously to doubt. Their conduct concerning the franchise, and the reforms yet necessary in this House, has been in the same way marked by a constant wavering between opposite opinions. The noble Lord who represents the Government in this House, often talks of the control which the people ought to have over their concerns; and at times he speaks the language of one who is really indignant at the vagaries of irresponsible rulers; and yet he does nothing to strengthen the hands of the people in this House, and thus enable them to coerce irresponsible power elsewhere. Every thing yet offered to this House by the friends of popular Government, has met its chief opposition from the Ministerial bench. To the ballot, the Ministry have constantly shown an inveterate hostility; to every attempt to enlarge the suffrage, they have also set themselves in opposition; and even now I am hardly certain whether the noble Lord is really intent on curtailing the mischievous effects of the rate-paying clauses of the Reform Bill. Thus it is that on every occasion a doubtful course is pursued, no principle is steadily adhered to, none followed to its legitimate and necessary consequences; and the effect of this as regards the noble Lord and his Friends, has been, that the people are now careless of their fate, and will soon view with complacency any event which drives them from power. It is often said, in defence of this conduct, that the Ministry are not to blame, because the people are unprepared for greater liberality. That is the present state of parties; the Cabinet, therefore, have been obliged to shift their ground, and by a side wind to attempt to carry what to attain directly was impossible. I object to this defence, that it is dishonest and foolish, unworthy of men who seek a great and just end—even were it politic—and in the actual state of things utterly ridiculous. It is said, for example, that the people are not prepared in many matters for the true liberal doctrines, and that if we hope to attain our ends, we must keep those doctrines in the back ground; and I often hear it asserted, that the extension of the suffrage is not popular; and then I hear harangues like the following—"Do not shock the feelings of the people by too open an avowal of your doctrines. You must advance step by step. You must not give to babes the food of men. Do not embarrass the Ministry by impracticable proposals, or foolish enthusiasm—let us gain as much as we can, and each advance aids us in going onward." This language I call dishonest; furthermore, it is exceedingly foolish. All this time you suppose your opponents blind or foolish—in fact, you fancy that what you all see plainly they cannot discern. Is not this supremely ridiculous? What! are we to suppose that the right hon. Baronet opposite is not so shrewd as we? Do you believe that he and his party, here and elsewhere, do not, as plainly as we can, understand all the consequences of this proceeding; and do you believe that they will be silent,—that they will not tell the world what they conceive to be the inevitable consequence of any measure you propose? Have they not done it? Have they not accused you of hypocrisy, of pretended tenderness of conscience—and have you not winced under the accusation? for you had no answer to make. I am met, however, with the assertion, that "we cannot carry our measures if we avow our principles." Had I no other answer I could reply, it is proved that you cannot carry yours, even though you should disingenuously endeavour to hide and distort them. But my real answer is, if you cannot honestly attain your end, forego it. Be content to wait till the people are prepared to admit your principles; labour to convert them—labour to prove your doctrines wise and just; but never seek to attain your object by dishonest subterfuge. I know well, that the timid and the disingenuous will multiply in every shape and form the accusation of imprudence against myself on the present occasion. I shall be said to have unwisely laid bare before an unprepared people, my views and intentions. My answer is, that I have told the truth. I have asserted my principles, and I have protested against the tampering that I have witnessed with the great doctrines of civil and religious liberty. I ask of those who speak against me to look back to the history of all the struggles for freedom. By whom and by what conduct have all our advances been made? Has it been to the wily and trimming politician that we have been indebted for that liberty we now enjoy? Was it any assertion of half principles, of wavering and uncertain doctrines, that won for us, step by step, the inestimable blessings of freedom in thought and action? No, it was the sturdy and uncompromising assertion of great principles, the steadfast adherence to truth, the rejection of all unworthy means, which gained for us this mighty victory. The weapons by which we can advance and defend the great cause of freedom, must also be taken from the bright armoury of truth, and we, like our predecessors in this mighty argument, must watch, with religious caution, that by no unworthy means we cast a shade upon their lustre, or dull the sharpness of their edge. We must wait patiently till we can, by honest means, attain honest ends; and not hope or seek, by wily artifice, to lead the people to acts which they would not perform did they clearly see all the consequences that must flow from them. One excuse may be, and often is, put forward to palliate this conduct. The party of the Tories, it is said, are so unscrupulous, that to meet them with any chance of success you must adopt unfair weapons also. I grant the first assertion, but utterly refuse my assent to the conclusion drawn from it. I allow that the Tories have been unscrupulous in their conduct, both in this House and out of it. I allow that, for the purpose of gaining an election, or of bringing the liberal party into discredit with the people, they have never scrupled to assert what they well knew to be false, so that it served their turn. It is true that they, knowing such accusations to be untrue, have accused the Ministry of being enemies to all religion; and in the next breath have declared that they sought to set up Popery. They have endeavoured to persuade the people that they, the Ministry, desired to pull down the churches, or convert them into prisons or stables. Unfortunately, this sort of conduct is not confined to the Tories; would that it were! I remember when I was opposed to a Whig candidate, that the very same accusation was brought against myself. And I have seen the super-sublimated pietists even on this side of the House, assert, with bigot self-complacency, "Oh! ye are naught, for ye are not as holy as we." Suppose, however, that the Tories have done all these things, why, I ask, need we be dishonest also? If we look at the matter merely as one of policy, we shall at once perceive, that while they may safely employ dishonest means, we must be ruined by them. Be it remembered that the Tory party represents he sinister interests of this country. Every one that desires to live on public plunder—every one that desires to preserve unjust privileges or irresponsible power—all who oppress the weak, the poor, and the humble—all who seek to maintain ignorance and prejudice among the people, every quack in religion or politics, every one who desires to curtail the power of the many, and to increase the power and immunities of the few, are banded together, and form, what is called, the Tory party. Now, what does it matter to men with these ends, what means they use? Every falsehood propagated, every popular error maintained, is so much in their favour. The errors and the ignorance of the people have allowed these sinister interests hitherto to flourish; by error and by ignorance alone can they continue. Therefore, every means which tends to maintain and increase ignorance, is to them legitimate. But to the liberal cause ignorance on the part of the people is fatal; you seek to give the people power, to make their servants responsible. This cannot be accomplished but by spreading knowledge among them—by the propagation of truth. Pursue the courses of those opposite, and you will shortly see falsehood triumphant and your enemies in the ascendant. Some there are, however, who say, that the people are not prepared for the truth. This estimate of their feelings I believe to be utterly false. There is now a great and growing feeling in favour both of civil and religious liberty; and it has been a short-sighted policy on the part of the ministry to attempt to establish the one or the other, without acknowledging the principles upon which they are demanded. In the present constitution of the legislature, a liberal government cannot be maintained, in power unless the people be enthusiastic in their favour. This fact I bitterly lament and deem it the most grievous circumstance connected with our present position. The people, to be safe from the inroads of a plundering faction, must be ever on the alert in a state bordering on revolution. A wise ministry would endeavour to remedy this crying evil by one great effort, and, having an enthusiastic people at their backs, would so alter the constitution of the legislature as to render a wise administration as certain in a calm, as in an excited condition of the people. To create this necessary and generous enthusiasm, a bold and determined course is needed. Show the people something to strive for— place before their eyes a prize worth their attainment, and you will quickly have at your command a force which will overawe all opposition. You must not, however, deal with great questions after the fashion of your church-rate policy, or that shewn by you respecting the church of Ireland—or as you have hitherto done in all that relates to the improvement of this House. It is not by compromise or the see-saw statement of conflicting doctrines that you can create enthusiasm; and without this feeling in the people, inevitable destruction in the present condition of the legislature awaits every liberal ministry. As every one, no matter how dull, reluctant, or sanguine, now sees the fate that hangs over the present Government, I may be excused for suggesting for their consideration something concerning the future. The destinies of the liberal cause will be greatly affected by the course which they may pursue, and much of good or evil to their country will be the result of their conduct during the trial that awaits them. For myself, in no circumstances do I despair of the fortunes of the liberal cause; neither do I permit myself to be blinded as to the dangers which that cause has to encounter. A time of trial is coming; and upon the determinations of the present Government it depends whether we shall fight the battle aided by an enthusiastic people and a majority in this House—or have to stand the encounter in opposition, and in a minority, and with a people disheartened and disgusted. In other cases I do not despair of victory; but it must be evident to every one, that the labours and the dangers of the encounter will differ much in the different circumstances I have described. Without circumlocution, then, Sir, I will state, (what every one knows to be true) that the present ministry will cease to be a ministry in a few weeks, if the people remain in their present apathetic condition. The Gentlemen opposite are strong, not because the public sympathise with them, but because they are indifferent as regards us. They (the people) have learned to feel, that little or no difference to them results from the existence of a so called Liberal or a Tory administration. This House, therefore, unchecked and unimpelled from without, follows the natural bent of its inclination, and that is rather to the Tory than the Liberal side of politics. Every day increases the indifference of the people; every day, therefore, strengthens the opposite party here. But a few weeks will elapse before their minority of five will have swelled to a majority, and then, those hopes which are so plainly evinced in the eager eyes of Gentlemen opposite will be fulfilled, and they will be introduced to the cares and the emoluments of office. Now, the question is, can this be prevented? My belief is that it may. To the ministry, two courses are open — they may yield to their fate and quietly sink into obscurity; or, acknowledging the error of their past plans, they may discard the Whig doctrines of compromise, assume a bolder tone, come forward with an effective reform of the Reform Act, thus inspirit and enlist the masses into their ranks, and put down their opponents by the aid of the enthusiasm of an expectant people. The timid, the irresolute, and the dishonest will say that this is a visionary scheme—they will say, as they have said, that the apathy and indifference of the people have resulted from their dislike to change, and from the belief that Ministers have already gone too far. I know this is a favorite doctrine, and no persons have been so sedulous in the propagation of it as the Ministers and their immediate adherents. The doctrine has been applied as a battery against their Radical supporters. It was a natural and useful argument to those who wanted an excuse for inaction, as well as some means of putting a stop to the complaints of those who desired to advance. Much has thus been done to throw odium upon what are called extreme opinions; but one result has followed which the propagators of slanders against the Radical party did not anticipate. Men have reasoned thus: If further changes be unnecessary, and the present condition is the best we can hope for, then, indeed, the toils necessary to effect reforms are not repaid by the results. The Reform Act itself, which cost us so much labour, was nearly a useless task, for the benefits we have hitherto derived from it have not rewarded us for the pecuniary loss which many of us have sustained, for the painful excitements which all have undergone, for the mental and bodily labour which every Reformer had to endure. If so, let us seek quiet—let us turn our minds from political to our mere personal concerns, and leave the business of politics to those who make a trade of it. Such has been one effect of the preachment of the Ministry and their friends respecting going too far; another, perhaps still more injurious to their cause, has resulted from it. The Ministry, and more especially that section of them which is publicly believed to lean to Toryism, have on all occasions been eager to express contempt as well as hatred for the opinions and characters of their Radical supporters. This has led to reciprocal ill-will, and the masses whose opinions the Radical party here represent have been led to believe that the Ministry have really no desire to advance; that their chief object of solicitude is their places, and the next the aristocratic and exclusive privileges of their order. The millions of this country, I mean the unrepresented millions, have no confidence in the honesty of Ministers, and this doubt has been created and fostered by the whole tenour of their conduct respecting the demands of the unrepresented masses. On all occasions they have been repudiated with scorn and openly-avowed disgust. Thus while one large section of the people have been rendered indifferent, another, still more numerous, have been made active enemies. This has been the effect of your doctrine respecting going too far. They who preached that doctrine have never condescended to take into their consideration the masses who are not represented, nor to understand or appreciate the value of their support. Let it, however, be remembered, that all great reforms have been, and while our Legislature is as faulty as at present, must be, gained by the unrepresented. The Reform Act was gained by them; and every reform that Ireland will receive will be obtained by the overwhelming power of the unrepresented masses. Create enthusiasm amongst them, and it spreads to the constituencies —allow apathy and indifference to prevail, a feeling of caste arises in the constituent bodies, and they become careless of liberal doctrines; Toryism comes gradually into the ascendant, and the dishonest among the reforming ranks keep up a constant clamour about going too far. Whatever may be the confidence of Ministers in their own opinions, or their doubts respecting what I now advance, this much is certain—back they cannot go; if they stand still they are ruined; their only chance of success is by going forward. If they will heartily and cordially co-operate with the Radical party, they may again have the support of an enthusiastic people, may retain their present position as leaders of the liberal cause, and run a brilliant as well as useful career. This charge may be made with ease, and without injury to their character as honest politicians. They may now safely assert, that to obtain for the people that which the people expected from the Reform Bill, by the compromising plan hitherto adopted, has been proved by experience to be impossible. Desiring to fulfil the people's wishes, they may now try another and a bolder course. Their enemies, and the people's enemies, have driven them to this alternative. The headlong obstinacy of the Tory party here, and in the House of Lords, their signal and loudly-declared contempt of the popular demands, their refusal to be parties to any compromise, compel you, as friends of the people, to pursue a new conduct, to adopt as stern and unyielding a principle as their own—and since they will not yield to the mild remonstrance and requests of the people, you must now demand as a right, not to be refused, what you have hitherto sought as a favour. If the Ministry determine upon this conduct, the result is certain—if they refuse to adopt it, equally certain will be the consequence; but it will be a fatal one to them. And now, as an earnest for a new course of conduct, and a commencement thereof, I would entreat the noble Lord solemnly to consider his position, and grant the inquiry. He may soon, if he pursue this course, contemn the taunts and threats of his opponents, secure in the love and respect of the nation. But if he should determine not to adopt this plan, then his ministerial reign will be quickly over, and he and his friends will be thrown aside as tools worn out and useless, and he and they will very soon be utterly forgotten. Then, in opposition, supported only by a minority, the Radicals will have to fight the battle of freedom with their implacable enemies. The day of our final victory will be distant; but he whose eyes are not dimmed by prejudice, whose courage does not quail in danger, will see in "clear reason" and solemn vision the hour of our certain triumph. Labouring patiently for the great cause of human freedom, we must abide our time, well assured that though our reward in the welfare of our country may be distant, yet it will be finally accorded; and when that happy time arrives, we shall have the proud satisfaction of having, single handed, fought the good fight for freedom, and, single handed, gained for her a glorious victory. In the present state of parties in this House and of the Government, the whole machinery of legislation is at a dead stop. Under these circumstances, does it not behove us, instead of proceeding with a Bill which we know can in no case pass into a law, to endeavour to discover the means of rescuing ourselves from the difficulties in which we have been involved by the conduct of his Majesty's Government? I, therefore, Sir, ask the House to resolve itself into a Committee for the purpose of taking into consideration the state of the nation.

Dr. *Lushington* said, Sir, I have nothing to do with the motives which may have actuated the hon. and learned Member for Bath in making the speech which we have just heard; nor is the effect which such a speech can have on the country to me a matter of great concern. If, also, the object of the hon. Gentleman's speech had been merely to inculpate his Majesty's Ministers for the course which they have thought it their duty to pursue, I might well have sat silent, and left to them the task, of which they are fully capable, of making their own defence. But the hon. and learned Member was not content with that. His speech involved a serious inculpation of all those hon. Members who, like myself, have honestly and strenuously supported the present administration; firmly believing that the course they have been pursuing is best calculated to promote the advance of liberal opinions; opinions which I think the speech and the political conduct of the hon. and learned Gentleman tend to repress and injure. The hon. and learned Gentleman claims for himself the merit of an extraordinary attachment to the principles of liberty and of liberal government. Sir, I will not yield to him or to any man in that attachment; but experience has shown me that the cause of liberty, which is that of liberal government, is more practically advanced by other means than by loud professions of attachment to that cause, while the hon. and learned Member at the same time impugns and endeavours to destroy every measure the tendency of which is to carry into effect the very principles which he pretends to hold so dear. The hon. and learned Gentleman has thought proper to put into the mouths of his Majesty's Government when they came into office declarations of the vast economical and other reforms, of their determination to do justice to Ireland, &c., &c. Sir, I do not remember that when they came into power they made any such extensive pledges. I do remember that there was one point on which they insisted—namely, the propriety of adopting certain measures respecting Ireland. The hon. and learned Member says, "You cannot do justice to Ireland, your power as a Government is effete, and you can do nothing to benefit the people of Ireland." Sir, the proper answer to such an assertion is an appeal to the feelings of the people of Ireland with reference to his Majesty's present Government. Have the people of Ireland complained of the conduct of his Majesty's present Government to that country? Have the people of Ireland said to his Majesty's Government, "You came into office full of professions of what you intended to do for Ireland; but either the power or the inclination has been wanting, for you have done nothing for us?" On the contrary, have we not seen numerous declarations of bodies of the people of Ireland expressive of their gratitude for what his Majesty's present Government have done for Ireland, and of their conviction that it would be highly conducive to the interests and benefit of that country that that Government should remain in power? How, therefore, can the hon. and learned Member for Bath say that Ireland has derived no advantage from the present Government, when it is evident that the very reverse is the truth? So much, Sir, for Ireland. What more does the hon. and learned Gentleman say? "Mark what you have done; or rather what you have neglected to do. You have not had the courage to come forward like men and effect the overthrow of the Church of England, and therefore you are deprived of the aid and support of a great majority of the people of England." Now, in the first place, if his Majesty's Ministers had come forward with any proposition the effect of which was to overthrow the Church of England, although backed by the hon. and learned Member for Bath, they would most unquestionably have found themselves in a miserable minority, both in this House and in the country. The opinion on the subject which the hon. and learned Member for Bath alone entertains (for although he uses the pronoun "we," I am convinced that he does not speak the sentiments of any man in the House but himself), is one which I have no hesitation in declaring I never could, under any circumstances, be induced to adopt. I never could consent to any measure the object of which was the destruction of the Church of England. "But," says the hon. and learned Member, "if you had taken a contrary course with reference to the Church of England, you would have had with you the whole country—Dissenters and all." Did the hon. and learned Gentleman pretend to assert that there was any body of Dissenters in the country hostile to the measure which was introduced by the right hon. the Chancellor of the Exchequer? I tell the hon. and learned Member—and I defy him to contradict me—that among the whole of the Dissenters of England, from those who are the furthest removed in doctrine from the Church of England, to those who most nearly approximate to that doctrine—from the Unitarians down to the Independents—there is scarcely an exception; there is, in fact, perfect unanimity in favour of the measure of his Majesty's Government, and a perfect willingness to receive it as a measure satisfactory to the most scrupulous conscience, and giving the Dissenters all they ask, wish, or require. Again, the hon. and learned Member for Bath seems to consider it to be the duty of his Majesty's Government to drive on such measures as may lead to a collision between this House and the House of Lords. Now on that point I differ from the hon. and learned Member *in toto*. It is the duty of his Majesty's Government to propose, and of this House to pass, such measures as they think essentially beneficial to the country; but in considering those measures it is consistent with wisdom and prudence to endeavour so to modify them as to afford the best probability of their obtaining the sanction of the House of Lords. Whoever maintains a different doctrine, is, in my opinion, in the first place, a real enemy to the measures of which he professes to be the friend; and, in the second place, precipitates the production of those great constitutional changes which ought not to be resorted to except in cases of indispensable necessity. If, after a long series of measures, and after the people of England have unequivocally showed their approbation of such measures, they should continue to be rejected by the House of Lords; and if, after ample time and consideration, it should appear to be impossible that the present constitution of the House of Lords should continue compatibly with the welfare of the kingdom, and that something must be done to remedy the evil, I am not one to say, that that something ought not to be done. But, Sir, I am desirous of going on by degrees; I am desirous of avoiding such a proceeding until the last moment; I am desirous of avoiding it until it appears to be a matter of unavoidable necessity, called for by the unanimous, or almost the unanimous, voice of the people. The hon. and learned Member for Bath anticipates the rejection by the House of Lords of a measure in progress in this House. Now, as that measure stands upon grounds different from those of the measure of last Session, I am by no means prepared to say, that if the measure in question meets with the approbation of this House the House of Lords will not give it a fair and candid consideration. But what is the course advised by the hon. and learned Member for Bath? What is the nostrum which he recommends to his Majesty's Government, to enable them to regain the confidence of the people of England? To go to the utmost extent of his own theoretical notions; without the slightest regard to evils which might flow from such a proceeding!—And what is to be the result of the coquetry which the hon. and learned Member is practising upon the opposite benches? The hon. and learned Member during his speech had, as a consolation for the silence of the rest of the House, the faint cheer of an hon. Member for a northern county, faintly echoed by the leader of the opposition benches. But I must do the right hon. Baronet the justice to say, that I am quite aware of his utter dissent from the hon. and learned Member's political doctrines. Sir, I have had much experience in this House; and I have always found that the men who in the commencement of their career professed the most, that the men who boasted most of their singular and extraordinary zeal, that the men who assumed the possession of peculiar correctness of conduct, that the men who treated with contempt the efforts of those who were engaged in the same cause as themselves,—I have always found that in the end such men proved the weakest supporters, and sometimes the bitterest enemies, of the very principles of which they considered themselves the warmest friends.

Colonel *Thompson* said, a fat soldier once presented himself to a reviewing general, and said, "I am the skeleton of the hundred-and-first regiment." It might have occurred to the hon. and learned Gentleman who just sat down, that the seconder of the amendment, however closely he might approach to the position of that skeleton, was at all events likely to make an exception to the assertion that there was nobody who joined in the opinions of the Mover. He must state, therefore, openly and fairly, that he coincided entirely in the principle of everything that had been said by the Member for Bath. Their complaint was (and he would willingly use the dual number if he was speaking Greek or any language that possessed it), that from the earliest period when it was practicable to form any judgement of the practice of the Ministry, the Ministers had adopted a course calculated to let down themselves, and every body connected with them, and to bring advantage to nobody but their enemies. They had started with a large stock of popular energy in their favour, and in their terror lest the steam should burst, they had let the fire go out. One of their first movements, was at one swoop to alienate from themselves the hearts of all the working classess, by their proceedings towards the Dorchester labourers; and if those classes had not absolutely gone over to the enemy, they had, at all events, been cooled of any attachment to the Ministerial side. Like Spanish generals, the Ministry had always had one eye in their own camp, and another in their enemy's; every effort for the success of their own side, had been paralysed by the fear of that side being too successful. The situation to which they had brought themselves was plain to all men. If any event in the chapter of human accidents should happen to give them a reprieve, the only consequence would be, that as they dwindled, dwindled before, they would dwindle, dwindle again. There was no stock of good luck, which such conduct would not run out. It was clear what must come at last; the hon. Gentlemen opposite must return to power, and he hoped they would feel no contempt for those who had foreseen it all along. How long they would stay there, was another question; but there coming in was a phasis, a phenomenon, which the conduct of the Ministers had rendered it inevitable to go through. When this took place, we should possibly see the present Ministers renewing their strength like the eagle, and declaring their willingness to set about doing in good earnest, what they had much better have done before. Though the Member for Bath and himself might be dual in these opinions in that House, there was nothing like duality out of doors; they were both of them supported there, by masses of men, who, though moved by nothing like original hostility to the present Ministers or their party, agreed with them in believing that the favourable chances had been thrown away, and that nothing was before us but the process he had endeavoured to describe.

Mr. *O'Connell* was at a loss to know whether the hon. Gentleman who had just sat down was serious or not. He made one allusion—that of letting out the fire lest the steam should burst the vessel, which all who had heard of a recent dreadful calamity must agree in thinking the hon. Member for Hull ought especially to have abstained from. Did the hon. and gallant Member for Hull wish that the steam should be kept up till an explosion took place, from which calamities more disastrous than those which had occurred at Hull should follow? He learned, with regret, that the hon. and learned Member for Bath had forgotten all those evils which his Majesty's Government of the present day had prevented in Ireland. Did the hon. and learned Gentleman really and seriously wish to see the Tories in power—that party which had for centuries misgoverned Ireland? He wished him to confine himself to the state of Ireland. His Majesty's Government had directed their attention to the cause of Ireland; and, for the first time, they had a Government which regulated their patronage by a sense of the real merits of individuals. There had been two appointments of gentlemen as King's counsel who were not of the party of the King's Government, but who, on the contrary, were opposed to it. The gentlemen who had been appointed King's counsel were Mr. Blake and Mr. Collins, and the appointments had been made within the last few weeks. None could be more just; one of these learned gentlemen was a Roman Catholic and a Tory, and, therefore, his opinions might naturally be supposed to be less favourable to his Majesty's Government than they otherwise would be. The other was Mr. Collins, whose success in his profession not only warranted but called for his promotion. But would the Tories have done this to those who were in the ranks of their enemies? Was such a thing ever done by that Tory Government whom the hon. and learned Member for Bath would support? The present Government, however, had done this, and they had given to the people of Ireland an opportunity of showing the readiness of the people of Ireland to support his Majesty's Government, who, although they were not able to do all they wished for Ireland, yet showed the disposition to maintain the due execution of the law. The people of Ireland were most ready to give up their most favourite objects to give the present Government the means of carrying out a variety of great public measures, which they had in view. Had not the present Government passed the Bill for the regulation of Municipal Corporations in Ireland, which they had sent up to the House of Lords? And was the Government to be blamed for not doing more, when these great measures were denied to them because they were the people of Ireland, and because the Tory faction were delighted to report the sarcastic expressions of the hon. and learned Member for Bath? The hon. and learned Member for Bath blamed the Government for not being stronger; and with equal reason might Sangrado, who was always bleeding his patients, blame them for not being stronger. He felt it his duty, in the name of the people of Ireland, to protest against his Majesty's Government being blamed for not doing more. That Government had the confidence, and had gained the affections of the people, because they had shown a wish to serve the best interests of the country at large. Whatever might be the opinion of others, he, for one, whatever might be the opinion of the hon. and learned Member for Bath, hoped his Majesty's Government would long continue to occupy those stations which they at present held.

Mr. *Hume* hoped it would long be the privilege of that House that those who entertained opinions different from others should be at liberty to express them fearlessly. His hon. and learned Friend had said that the hon. Member for Bath accused the Ministry of being weak, and that he likened him to that practitioner of old who, whilst taking blood from his luckless patients, blamed them for not getting stronger. Though he did not feel the justness of the application of this simile, yet he agreed in many of the statements of his hon. Friend, whilst he differed from him in many others. His hon. Friend, the Member for Bath, never said that he wished to see the Tories in power. He stated that the Ministry at the commencement of their career promised to support certain public measures, and to carry out those general principles upon which they received the support of those who sat on that (the Ministerial) side, and that the people out of doors complained that they had not done so. He contended that they had not done so. He thought that they had not taken those measures which the Reform Bill required. Then, his hon. Friend had argued, that by not supporting the measure for triennial Parliaments they had not carried into effect the intentions of those who advocated the Reform Bill, and had thereby lost many of their Friends. And in this view of the case he concurred. This, then, was the opinion of his hon. Friend, though he had not expressed it perhaps in so pleasant a manner. He concurred with the hon. Member for Bath in thinking that his Majesty's Government had not supported those great popular principles which he and others contended they might have done. But he should be very wrong if he did not take into consideration the opposition which they had met with; and he could not think with his hon. Friend that their course was so clear or those difficulties so light as he had represented them to be. He could not shut his eyes to the fact that there were 300 persons in that House who were opposed to his Majesty's Government. He knew that his Majesty's Ministers did every thing in their power to secure popular rights, but as often as they did so their efforts were met by a negative. He thought, however, that there was no opposition either in that House or elsewhere which ought to have prevented the Government from taking a bolder course; but he could never agree with his hon. Friend that the country had not derived great advantage from their administration; and though there were many of their measures which had not passed into law, yet depend upon it they ought to persevere in bringing in good measures. So with reference to the Church-rates Bill, if it were again frustrated elsewhere, still, having passed that House, they owed a great meed of praise to the Government for having brought forward that measure, a measure which went to put an end to that state of degradation to which the Dissenters were exposed, to support a religion in which they did not concur. He did not believe that his Majesty's Government ever advocated the voluntary principle; and he was glad to find that they did not intend to do so. True it was that they had been too chary of speaking of the abuses which existed in the Established Church. He had observed, on the part of the noble Lord, a disposition to remove those laws which were oppressive to the Dissenters; and a desire to remove all invidious distinctions, and to promote religious equality. He denied the allegation which had been repeatedly made, that the Church-rates regulation measure did not give satisfaction to the Dissenters. He was quite sure that his hon. and learned Friend was not the person to deny every merit to his Majesty's Government for having brought forward and carried the English Municipal Corporations Bill, and for having sent the Irish Municipal Bill up to the Lords, Again, with reference to Ireland, he rejoiced in the appointment of the Earl of Mulgrave as Lord-lieutenant of Ireland. He believed that the Government would be strengthened every day by strengthening the Reform Bill, and by giving protection to every voter in the exercise of his franchise by the ballot. The majorities in that House had decreased; but the reverse would have been the case if the Government had pursued a course more in consonance with the great principles of the Reform Bill. With reference to the Tories, he did not believe that the country would bear with a Tory Government. He was bound to take into account the many difficulties with which the Government had had to contend; and he could not agree in the opinion that it would be beneficial to the country to have Gentlemen on the opposite side vested with the Government of the country. He, for one, wished to see the House of Lords bombarded with good measures. The Lords had told the country that day that all legislation on their part was at an end, and the people of Ireland would soon be apprised of this fact. Their Lordships complained that various measures were not sent up to them. Why, the Irish Municipal Bill was in that House; their Lordships had postponed the Committee on a former day till the 9th of June; and that day having arrived, they had further hung the Bill up till the 3rd of July. Let his hon. Friend reflect on that circumstance. When they should make the House of Commons more completely represent the people, all these acts on the part of their Lordships would be properly treated; and his hon. Friend might rest assured that if that House carried up good measures to the other House which stopped them, and his Majesty's Ministers could not help that, yet by bringing better and better measures before them, every day would they be better supported, and therefore that House should not stop the progress of these Bills. He hoped his Majesty's Government would not disregard the truths which had been told them.

Lord *John Russell* said, I feel myself compelled to take part in this debate, though I do not admit that there is any necessity for its introduction; and I must observe to the hon. Gentleman who has introduced it, that while I do not find fault with him for any notice on his part, yet that, as a public question, I may be permitted to put in some words of excuse, or palliation, or, it may be, justification, as to the delay which takes place in proceeding with the measures of the Government. Sir, the case is really this—that Gentleman, one after another, bring forward motions of their own, till they have occupied some two or three dozen evenings fixed for the discussion of those measures, and then they all join in chorus, and say, "What a dreadful thing it is that those measures have not proceeded!—what a dreadful delay there is in the public business—we have already arrived in the month of June, and the measures which the Government declared expedient and necessary have not yet passed!" I might say, with regard to the particular course which the hon. Gentleman has adopted to-night, if I were to use his phraseology, that his course had been dishonest, he pretending to one thing while he was doing another. That, Sir, is the charitable supposition which he puts on the course pursued by his Majesty's Ministers—that is the way in which he thinks proper to impute motives to, or invent them for, those whose public conduct he arraigns. What was the course of the hon. Gentleman? He made a speech, pretending to be highly in favour of the principles of liberty—pretending to be very much in favour of an improved course of legislation—an improved course of public action more favourable to popular power and popular control in this country; and in the whole of that speech he never got a cheer of assent, except from those whom he represents as the most decided enemies of that public liberty, and from whom he totally dissents in political opinions. I say, then, Sir, that if I were to judge of motives as rashly and as wantonly as the hon. Member, I should declare that in taking the course which he has taken, he was, while he pretended to be aiding public liberty, in fact, endeavouring to obstruct the course of those who were striving to do what they possibly could in its behalf, and that in proposing for attainment an object which he knew to be either impracticable or impossible, he was aiding a course and bringing about a system of policy less favourable to public liberty than that which is now adopted, and which he now arraigns. But, Sir, I attribute no such motives; and he will allow me, as an older if not a better soldier in this House, to say that different parties may entertain totally different political sentiments in this House, whether going to the extremes of democracy or ultra-toryism, or whether, being moderate Tory or moderate Whig—that they may all honestly and consistently hold those opinions respectively, and at the same time be endeavouring to do that which they think is for the public good. He will allow me also to say that it neither tends to the preservation of good temper in this House, nor is conducive to the public interest, to be throwing out motives of hypocrisy and of attempts to do one thing while intending to do another; and that the imputation of all such motives, unless the hon. Gentleman wishes them to be retorted on himself, had better be restrained. The hon. Gentleman has introduced a serious subject to this House a subject which indeed is of so important a nature, that if I were to attempt to go through the various considerations belonging to it, I should altogether lose the hope of being able this night to proceed with the measure before the House, and give rise to a much longer and more protracted discussion than I think desirable. I will, however, touch on two or three topics on which the hon. Gentleman's accusation is founded. He says that the course of the present Ministers has no effect—that it ends in nothing for the public. Now, Sir, I will mention first that subject to which he adverted, and to which it is necessary to advert, because it is the immediate subject which stands for consideration to-night, and on which the hon. Gentleman has moved his amendment—I mean the questions respecting Ireland. I must declare my opinion, that whatever it may be proper or necessary to do with respect to England, either in regard to legislation or administration, the evils of Ireland are far more deep, far more crying, and that more attention is necessary, both on the part of the Legislature, and on the part of the administration, to act wisely and generously towards Ireland, than to introduce any improvements which may be yet wanting

—and there are, no doubt, many yet wanting—in England. I will say, therefore, that I do think that if we utterly fail with regard to Ireland—that if our administration be culpable with respect to Ireland—if it be weak, inefficient, or remiss, and that if we do not succeed in establishing those principles of legislation generally which we hold ought to be established towards Ireland—we do fail in the main purposes of a Government of this United Kingdom. But with respect to the administration of Ireland, do we really stand in that situation? What has been the voice of the people of Ireland? Have they denounced us? Have they entreated his Majesty to accept our resignations when offered? Have they not, on the contrary, sent up petitions with an opposite prayer?—Is not the opinion of the people of Ireland—of a great portion, at least a great majority—favourable to the present administration of affairs in that country?—The opponents of that administration have not refrained from accusations and charges of great weight and importance, respecting its conduct: but have they proved those charges? On the contrary, what has been their course? In the one House of Parliament they have brought forward a petition embodying those charges, which has been ordered to lie on the table of that House, but upon which no further proceedings have been taken. What has been their course in this House? A similar petition was presented here. Is there a day fixed for its consideration, when the charges shall be brought forward, and a motion made, declaring that the Government of Ireland has lost the confidence of this House?—Has any such motion been attempted—or is it likely to be made? I see no chance of it at present; because I know that a motion, of which notice was given for the consideration of that petition, has been allowed to drop. I think, then, that I may infer that the wealthy and powerful minority, who disapprove of the conduct of the Government, do not feel their disapprobation to be sufficiently well grounded to proceed with the charge against it. And is it to be left to the hon. Member for Bath, and the hon. Member for Hull, in the dual character which the latter hon. Member had attributed to them, to be the only persons to say, "The majority in Ireland are satisfied, the minority show no complaint; but we denounce your Government, and on that denunciation that Government is to be condemned." With respect now to legislative measures:—we are about to have before this House to-night, a Bill relating to a question which has unfortunately been the subject of long discussion in Parliament, which has been the subject of difference in this House, and between the two Houses of Parliament. We have likewise under discussion a Bill of very great importance, to which this House has paid great and laborious attention—I mean the Poor Relief (Ireland) Bill, respecting which I may say that this House has generally approved its provisions and negatived the propositions of its opponents. There is another measure which has already gone to the other House of Parliament—I mean that respecting Municipal Corporations. I need not go into the nature of that measure now. But I will say that I do not think that a Government, which has brought forward in a single Session a Bill for Municipal Corporations, approved of by a considerable majority of the House, a Bill for the introduction of Poor-laws into Ireland, and a Bill for the settlement of tithes and the regulation of ecclesiastical revenues, is a Government which can be stated to be remiss. But then, says the hon. Gentleman, "Oh! these measures will lead to nothing, and I am quite sure that they will not pass." Sir, I think that the hon. Gentleman is rather premature in his prophecy.—My opinion is, however I may very often disapprove of the course taken by the majority of the other House of Parliament, that upon subjects of this deep importance there is not a disposition in that House to refuse to consider and deliberate seriously on those measures, with the view to some settlement on the subject. They say—which I do not say—that these measures ought to be taken together and not separately. That is not my view; but, at the same time, I can well conceive that that view may be taken. I say that we ought to pass the bills before us in the best form in which we can, and send them to the other House of Parliament; and in leaving them for deliberation there, I see no cause to despair that that House will take them into consideration, and that we may be able to come to some agreement respecting them. The hon. Gentleman says, we may, perhaps, perceive the object which he may have in view in making this motion—an object, be it remembered, in the whole course of policy which he recommends—that the other House of Parliament is an irresponsible body—that you cannot trust to an irresponsible body, and that we abandon popular principles in making a compromise with that irresponsible body. Sir, those are the doctrines of the hon. Gentleman; but I think that it does not follow that I ought to adopt those doctrines, because I cannot adopt them without abandoning all the principles which I ought to maintain—namely, the principles of the British constitution. I do not agree that the term "irresponsible body" is a term that can be applied to the House of Lords. My opinion is, that they must feel, and that they will feel that they are persons acting in the sight of the whole public of the United Kingdom, and that if they are once aware and persuaded that the mass of intelligence, and the mass of opinion are in favour—as I think they will be—of a course of justice towards Ireland, the House of Lords will feel that they would be undertaking a responsibility, which they never could wish to undertake, if they attempted to thwart and control that opinion. I know nothing at present which prevents me from entertaining that expectation, which I know to be in conformity with the former history of this country; but if I did not entertain it, I cannot come to such opinions as the hon. Gentleman entertains, that we ought not to agree to any amendment, any changes proposed by the House of Lords—that our object ought to be to ruin that body in the public opinion, and to place some elective body in its place. That, I conclude, from the hon. Gentleman's speech, and from what he has said at various times, to be the object at which he aims—[Mr. Roebuck was understood here to intimate that it was to abolish the House of Lords]. I beg pardon for misunderstanding the hon. Gentleman; I was not aware that such was his opinion. But I beg to declare frankly, that I as totally dissent from his opinion for abolishing the House of Lords, as I dissent from the opinion of making them an elective body. I do not look upon the abolition of the House of Lords as the millennium which we are approaching. My opinion is that there is nothing—I hope that there will be nothing—in the aspect of public affairs to induce us so to abandon the principles of the British Constitution. The hon. Gentleman says, that men of moderation and compromise never succeeded in establishing anything useful in this country. My opinion is so adverse to that, that I think the moderate and prudent course pursued by Lord Somers, and the great leaders of the Revolution, when there were some for keeping James the Second on the throne, and others for appointing a regency, and others again, like the hon. Gentleman, for abolishing the House of Lords, with the addition of abolishing the monarchy. I say my opinion is so adverse to his that I think the prudent course of Lord Somers in establishing the Government of the Revolution to have been one of the main causes of the prosperity of the country. With these feelings, therefore, I am not likely to concur in the views of the hon. Gentleman. But the hon. Gentleman has said that, with respect to Church-rates, and some other measures, we had not conciliated the Dissenters of this country—that we ought to have adopted the voluntary principle, and that we should thereby have conciliated the popular favour. On that subject I must declare, for one, that my opinion is not in favour of the voluntary principle, and, therefore, though that were to conciliate popular favour, I should not adopt it. But I totally disagree that any such course would conciliate the popular feeling. My belief is, that the people of this country are in favour of an established Church and not in favour of the voluntary principle. My opinion is, likewise, that the Dissenters are generally satisfied with the measure which we introduced respecting Church-rates; I have not heard from them any complaint that that measure did not go far enough. But the hon. Gentleman also finds fault with us, because we had a majority of no more than five on that question. Why was it that we had not more? If we had introduced a measure less agreeable to the views of the Dissenters we might have had a much larger majority; and here I may mention that that majority of five might have been a majority of six, had it not been that the hon. Seconder (Colonel Thompson) was absent from the House. My opinion, Sir, concerning the policy which we ought to pursue is, that we ought to bring forward measures which we think calculated for the good of this country, and that having produced them to Parliament we must then rely on the support which we meet with in this House, and the support which we meet with in the public opinion, to carry those measures; if we meet with a large support in this House, and if we are still further supported by the general opinion of the people of this country, then I do not doubt that those measures will come to a triumphant issue. But if we do not meet with that support, I do not think that we ought to be blamed, because the measures which we have thought right have not immediately become acts of the Legislature. The hon. Gentleman who has not been long a member of the House, of Commons, has thought it proper to taunt us sitting on this bench with a narrative of the acts which we have been unable to carry; with the failure in point of performance after we had produced measures of considerable importance. I will take the liberty of mentioning to him, that during the time which we have sat in this House, for the greater part of us have sat in it during the last few years, we have carried the repeal of the Test and Corporation Acts, which made a degrading separation between Churchmen, and Dissenters.—We have carried the Reform Act.—We have carried the Poor-law Act. We have carried the Act for the Reform of Municipal Corporations, the Act for the Commutation of Tithes in England, and the Act for the total and entire Abolition of Slavery.—With respect to administration, I will not go into details of expenditure and taxation; we have kept up to that promise of retrenchment which Lord Grey gave when he took office. It is a glory on which I shall always pride myself, that I have acted with Lord Grey first, and since with Lord Melbourne in carrying these important measures; and if some other measures have not reached their consummation, I do not see that it justifies the hon. Gentleman. When only two-thirds of the Session have been gone through, and many of their measures are yet coming to their completion, I say I do not think that it justifies him, who has never done any thing for his country—who has never carried any act, or, as far as I know, proposed any measure by which the liberties or interests of this country might be promoted.—I say I do not think that it becomes him to come forward now to arraign us, he having so little of his own performance to place in the balance against ours; to make himself the accuser, with bitter and ironical sarcasm, and seem to be aiding the cause of liberty, which, in fact, if his reproaches had any effect, they could have no effect but this—to mar the calm and steady progress of reform, and, making many despair of that calm and steady progress to induce them to go back, or at least if not to lead to a retrogression, to lead to a stoppage—a standing still under the guidance of those who have always felt that reform was dangerous, and that we ought to go no further.—Motion negatived.

The Order of the Day was then read.

TITHES (IRELAND).] Lord Morpeth moved the second reading of the Tithes Ireland Bill.

Mr. *Sharman Crawford* objected to the Bill, upon the ground that it did not go sufficiently far to meet the wishes or the expectations of the people of Ireland, who, as their numerous petitions strongly intimated, would not be satisfied with any thing short of a total abolition of tithe. They would not be content with any measure unless it completely released them from all assessment for the support of the Established Church. They were told indeed by the hon. and learned Member for Kilkenny that he would accept of this measure as an instalment. He (Mr. Crawford) wished to know whether it was to be an instalment or not? Was it to be a final settlement of the question, or was Ireland to be agitated again upon the subject? In opposing the second reading of the Bill he was acting conscientiously, and from a deep sense of duty, and not from any desire to impede the measure of his Majesty's Government, whose great services to Ireland he most readily acknowledged. He considered that the Bill was unjust in all its principles, and delusory in all its details. He begged, therefore, to move as an amendment that this Bill be read a second time this day six months.

Mr. *D. Browne* felt that it was a duty he owed to himself and to his country to second the amendment of his hon. Friend. He did it reluctantly, not because he denied the justice, or the policy, or the practicability of a total abolition of tithes, for he was a strenuous advocate for their total abolition, although he denied that this Bill would abolish tithes, or would in any way tend to allay the angry feelings of the people of Ireland, but he did it reluctantly because, for the first time, he felt himself compelled to give opposition to his Majesty's Government on a measure which seriously affected the interests of Ireland. He was grateful to his Majesty's Ministers both as a Reformer and as an Irishman. Lord Mulgrave's Administration was the only Administration that ever existed in Ireland that was founded upon the principle of recognising popular rights, and of doing justice to all. It was, therefore, with reluctance that he was opposed to this Bill. But there were provisions in it to which it was impossible he could agree. He considered that the Bill, instead of relieving the people of Ireland from an unjust impost, tended to rivet that impost upon them, and to increase discontent and promote agitation in that country. He might be asked why he opposed this Bill, when he did not oppose the Bill of last Session. His answer was, that he considered the omission of the appropriation clause in the present Bill to make it essentially a different measure from the Bill of last year. He might be told that in the money provisions of the Bill now before them there was an equivalent for the appropriation clause; but having considered those clauses well, he certainly could not find anything in them equivalent to the principle of the appropriation clause. He considered that by the adoption of the appropriation clause they would be putting in the point of the wedge and taking the first step towards the application of church property to purposes of a public nature other than merely ecclesiastical purposes. He would openly declare that he was an advocate for the voluntary system, and it was upon that principle that he opposed this Bill. It was not the pecuniary inconvenience that the people of Ireland complained of in respect to tithes. If it were, then, inasmuch as rents exceeded tithes in pressure, they would feel rents to be a grievance. It was from a political feeling that their complaint arose. It was the national dishonour of being compelled to support a Church with which they held no communion, from which they derived no benefit, but the existence of which was hostile to their interests. The Bills which had been successively introduced into this House in reference to Ireland had become successively worse. The hon. Gentleman concluded by declaring that he was opposed to the tithe system, because as a Christian he conceived that it could not be defended upon any human or divine principle.

Viscount *Morpeth* said, it was obvious that the Bills which the present Government had successively introduced upon the subject of the Irish Church had had to stand between two classes of objections —between the objections of those who thought that too much was taken from the Church, and of those who thought that too little was taken away, or at least, that too much was left. It was obvious— without stopping to inquire which of these respective parties were most in the right —whether those who thought that too much was taken away, or those who thought that too little was taken; or whether it was for the Government, at least upon this subject, to indulge itself in the opinion that it had happily pursued the "just middle"—it was obvious, he said, that the struggle on this question was not between the Government and the friends of the voluntary system, or the "sons of liberty," which it seemed was the right way to term them, but between the Government and those who were entirely opposed to any alteration of the church revenues. For this struggle, probably, before very long the stage would be cleared, and a decided course taken. For that occasion, whenever it should arise, he thought himself justified in reserving the discussion of those points which appeared to be the serious and really practical part of the matter they were called upon to consider. With respect, then, to the other side of the question—that which was represented on this occasion by his two hon. Friends, the mover and seconder of the amendment, and which rested, as it appeared to him upon the ground that tithes ought to be completely abolished, that no form of religion in Ireland ought to receive a preference from the State, and that the voluntary system ought to be established— he had only to observe, that whether that system possessed any merits or not, or whether the arguments by which it was defended were sound or not, such were not the views and intentions with which his Majesty's present Government had entered upon office. Such were not the views and intentions which they had ever professed, or which they now entertained; and such above all, were not the views and intentions with which the present state of public feeling, either in this House or in the country, sympathised, or which made it possible or practicable for the Government to act upon. On former occasions it had been stated, but on no occasion more than on the present did he wish more distinctly and clearly to state, on the part of his Majesty's Government, that it was their object, their intention, and their hope not to destroy, not to subvert, but to strengthen, extend, and perpetuate the Protestant Establishment in Ireland by those means, which, however questioned and condemned in some quarters, they conceived to be best calculated to obtain that end. His hon. Friend the Member for Dundalk had objected to this Bill on the ground that it was not the same Bill which he had previously supported. He admitted it was not the same Bill. He should have been very glad if the Legislature had passed any one of those previous Bills. His hon. Friend must be perfectly aware that it was not the fault of the Government that none of those Bills were carried into a law. His hon. Friend made two objections to the Bill in its present character—first, that the clauses now introduced would not be so efficient to prevent sinecures in the Church as the former Bill; and also that under the present Bill the farmers of some districts would feel a grievance in having money taken out of their pockets to benefit those in other places. He contended, however, that the object of the Bill was to prevent sinecure livings, and it would attain that object by promoting a better apportioning of Church property. The hon. Member for Dundalk said that it was a hardship on the clergy to impose a tax of ten per cent. on the present incumbents; but he (Lord Morpeth) could not help feeling that his hon. Friend was a little inconsistent. His hon. Friend said, he was in favour of the voluntary principle, but he would not be able to carry that principle into effect at once. His hon. Friend out of doors stated that he would attain that end by not bringing in any measure for the settlement of the tithe question, and to be consistent he had proposed that the Bill should be read a second time that day six months. He, however, did not think that this would be consistent with the interests of religion not merely the Protestant or Catholic religion, but that religion which taught peace on earth and good will towards men, and which was so necessary for the well-being of Ireland. He thought that the House would most improperly abandon its duty, notwithstanding the difficulties they might have to contend with in the way of any settlement of the tithe question, if they did not do all in their power to put an end to those unhappy differences which now distracted Ireland, and which grew out of the unsettled state of that question. In what he had already stated he believed he had sufficiently explained the objects the present opposition to the measure had in view. As to the motives of those hon. Gentlemen, he had no right to inquire into them; but no doubt they were dictated by a sense of duty. But as to the fact of the present proceedings, the hon. Gentleman seemed to be impelled by a wish and feeling to promote the success of a cause which could not now by possibility succeed; and if it were successful it would be the source of irreparable mischief.

Mr. *Shaw* admitted, that it was desirable that there should be a transfer of the payment of tithes from the occupiers to the owners of land; but he thought that it was too much to take thirty per cent. from the clergy for the additional security they would obtain under the altered arrangement. This, however, was rather a matter of detail than principle. That part of the Bill, however, which opened all commutations of tithes that had been entered on during the last thirty years, was most objectionable, as it would lead to the most expensive, and, indeed, endless litigation. He also thought that it was an act of great injustice to the Irish clergy to make them pay the loan of a million and the arrears of interest which were proposed in this bill; for the money was given to them with the sanction of the House in lieu of the tithes. He also objected to the Commissioners being enabled to reduce the value of benefices below 300*l.* per annum. The truth, however, was, the Government had been completely driven by those by whom they were supported, to adopt courses which were contrary to common sense, common reason, and every principle of justice.

Lord *Stanley* would make a few remarks with respect to his taking a different course from the hon. Member for Dundalk, and also state the chief points of objection to the Bill on which he intended to take the sense of the House when in Committee.

He agreed with the hon. Member that many of the clauses and principles of the present measure were founded on the enactments of a Bill introduced by Lord Grey's Government—a Bill intended to establish the security and strength of the Church; because he believed those clauses would have that tendency, he would support them whilst on these grounds the opposition of the hon. Member was founded. He must congratulate the House on the altered tone of the Government who declared themselves resolved to defend the essential principle of an Established Church — a declaration equally satisfactory and unexpected. He must particularly congratulate his noble Friend, the Secretary for Ireland, who formerly spoke of the rottenness of that establishment, and the noble Lord, the Secretary for the Home Department, who spoke of the friends of the Church as a "miserable, monopolising minority," on their conversion. He that evening had heard his noble Friend (Lord J. Russell) speak of the "respectable minority;" and his other noble Friend, (Lord Morpeth) instead of alluding to the rottenness, declare it his fixed intention to support the Church, and by this measure establish her interests on a sure footing. Whenever Government brought forward measures with that intention, they could claim the support of his side of the House, a support which he believed they did not at present undervalue; but if ever they introduced a Bill of a different tendency, then, with equal frankness and determination, they should be opposed. He had been asked, why he had voted in favour of this measure, and he would candidly confess, that he was not perfectly satisfied with the present state of Church property in Ireland. He thought it would be advantageous to the Church to have the Tithe Question speedily settled, and to have all the danger removed that might result from a collision with an excited Roman Catholic peasantry. He supported this measure, in order to place on a basis of security the future income of the clergy; at the same time, he would not consent to the robbery and plunder of the Church under the plea of giving an allowance to landlords, for burthens they had not to endure, and risks to which they were not subject. He would not consent that more than a fair equivalent be given for the small burthen and risk of transfer; however, that was a question of detail and of time. He had, during Lord Grey's administration, carried through the House, which he was proud to say was year by year and day by day, diminishing the risk and giving security to the establishment. Although he was then willing to sacrifice 25 per cent he would say, that if it were not immediately accepted, and that still an opposition was continued against this fair offer, no inducement or plea would hereafter tempt him to forego that amount. He wished a speedy, safe, and satisfactory settlement, he offered a fair compromise, and claimed a relief which would lessen the burthen and diminish the risk. "On this principle," said the noble Lord, "we do rest, we have rested, and we shall continue to rest." However Government may decide, he would support that deduction and resist any further, and on this principle he would take the sense of the Committee. His noble Friend had introduced into this Bill several clauses of a measure which he had the honour of bringing before the House. That measure was objected to, and not allowed to pass, but he had now the gratification of finding some of the clauses inserted, *verbatim et literatim* in the present Bill. He, and hon. Gentlemen who acted with him were reproached with upholding sinecures. They were unfairly charged; they were prepared to introduce a clause for new distributions; this clause was stigmatised as useless, evasive, and a mockery; but now he found it copied *verbatim et literatim* in the Bill. Indeed, he heard that hon. Gentlemen opposite had discovered some verbal inaccuracies; but such was their respect for the measure's having passed the House of Lords, that scarcely a word was altered. There was, however, one alteration of a principle in the clause which he was determined to oppose in Committee. He undertook to prove last year, that when the revenues were distributed amongst clergymen not possessing large incomes there would be no surplus. It was resolved in the Bill brought forward by him, that upon benefices becoming vacant, the clergyman appointed should have an income of 300*l.* per year, a bare sufficiency for a person educated as a gentleman, associating with gentlemen, and obliged to keep up a proportionate dignity. This was fixed as the minimum, but the present Government, with the petty paltry ambition of working out a surplus, have not adopted the principle, but left it to their Commissioners to fix the salary at 60*l.*, 40*l.*, or 30*l.*, as they thought proper. It was that clause, with respect to which he entirely concurred with the hon. Member for Dundalk—with (he believed in his heart) nine-tenths of the Members of the House, imposing a tax to the amount of ten per cent. on the incomes of the clergy, for the purpose of national education, in alleged conformity with a statute of Henry 8th, which had really no more to do with this question than any other law on the Statute-book, but which served conveniently to enable Ministers to slide gently out of the principle of appropriation, while at the same time they maintained the objectionable parts of it to their fullest extent and in their most offensive character, aggravating their injustice and oppression by calling them into action immediately on the passing of the Bill. To that cause he declared no circumstances would ever induce him to give consent. Whatever wish he might have to support parts of this Bill, however cordially he might vote in favour of the second reading, with the earnest desire and not without the hope, that its mischievous provisions might be corrected either in Committee or in subsequent stages of its progress, and however anxious he might be to see this measure carried as the basis and ground-work of a great national settlement of the important questions which agitate the public mind, he should not discharge his duty if he did not frankly say, that no consideration whatever with reference either to this or any other Bill—no asserted probability of a settlement—no profession of acquiescence in its provisions—would ever lead him to consent to a taxation of the clergy for this unjust and illegal purpose. And he thought it right to say, for though solicitous to occupy no more of their time than was necessary, he wished broadly to lay before the House the principles by which he was content to abide, and the details to which he mainly objected—that as this question must be brought before them in a distinct and substantive form, he would not offer his opposition to it when the first clause was proposed in Committee, but when the noble Lord should move his preliminary resolution in Committee of the whole House to enable him to levy this tax on the clergy—on that occasion, as separate from all others, he would take the sense of the Committee on the principle of the tax. And, moreover, he must say, that if he should not succeed in making in that House such amendments as seemed to him absolutely indispensable for safely carrying into effect an equitable and wise arrangement under this measure, he should then, however reluctantly, feel it imperative on him, if no other Member undertook the task, to take the sense of the House on the third reading.

Lord *J. Russell* had no wish to continue a debate which did not seem to have been conducted with the view of leading to any general discussion of the principles of this Bill; but he could not avoid remarking on the course pursued by the noble Lord—a course not dissimilar to that which he had followed on other occasions—on the anxiety he had shown, but which he felt no wish to indulge, to excite contention, and raise acrimonious debate. The noble Lord reminded him somewhat of a gentleman with whom he (Lord J. Russell) was formerly acquainted, who was rather fond of disputing in conversation, and in the habit of throwing out opinions strangely paradoxical. Anxious to avoid lengthened altercation, he used sometimes to say to the gentleman, "Well, then, I'll dispute no longer, I'll agree with you;" on which his disputatious friend would turn round and exclaim, "What! agree with me? now tell me why you agree with me." The noble Lord seemed to think it a shocking matter that his Majesty's Ministers had embraced some opinions which the noble Lord formerly entertained, and had even adopted some clauses to which he assented *verbatim et literatim;* and complained of the agreement in a tone of anger and indignation, which only left room to suppose, that he felt it like some severe personal reflection. As the noble Lord talked in this tone of matters on which they agreed, he would not go into those on which they disagreed. He would only congratulate the noble Lord, that there still remained so much matter of difference between them. He was really forced to think, that a source of great satisfaction to the noble Lord, who would, no doubt, rejoice that there was not only the difference between twenty-five and thirty per cent., but the proposal of taxing the clergy, to which he had proclaimed uncompromising hostility, against which he might prepare his arguments for a future occasion, and which might whet his indignation at their agreement on some points to a still higher pitch. Again, he would beg to felicitate the noble Lord on the spirit he had displayed, and which he was likely to have many more opportunities of displaying, as there were many points connected with the government of the country, and particularly the government of Ireland, on which they entirely disagreed. His opinion had always been that the government of Ireland ought to be conducted for the benefit of the Irish people. The noble Lord, on the contrary, looked only to the interests of a small part, not of the people of Ireland, but of the clergy of Ireland. He thought that was the chief ground of difference between them, into which he did not now wish to enter, but which would be excellent matter for dispute between them on a future occasion.

The House divided:—Ayes 229; Noes 14: Majority 215.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Andover, Viscount
Angerstein, J.
Anson, hon. Colonel
Astley, Sir J.
Baines, E.
Ball, N.
Bannerman, A.
Barclay, C.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Blackburne, J.
Blackstone, W. S.
Blunt, Sir C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burrell, Sir C.
Burton, H.
Byng, right hon. G. S.
Cave, R. O.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Chapman, L.
Chetwynd, Captain
Chichester, A.
Clayton, Sir W. R.
Clements, Viscount
Clerk, Sir G.
Codrington, Admiral
Cole, hon. A. H.
Collier, J.
Cookes, T. H.
Corbett, T. G.
Crawley, S.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denistoun, J.
Divett, E.
Donkin, Sir R.
Dunbar, George
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
East, J. B.
Eaton, Richard J.
Ellice, E.
Estcourt, T.
Estcourt, T.
Etwall, R.
Evans, G.
Fellowes, hon. N.
Fenton, J.
Ferguson, R.
Fergusson, rt. hn. R. C.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fitzsimon, C.
Fleetwood, P. H.
Folkes, Sir W.
Fort, J.
Fox, Charles
French, F.
Gillon, W. D.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, H.
Grey, Sir G.
Grey, hon. Colonel
Guest, J. J.
Gully, J.
Hale, R. B.
Hallyburton, Lord D.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Hillsborough, Earl of
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Houstoun, G.
Howard, P. H.
Howick, Viscount
Hume, J.
Hurst, R. H.
Hutt, W.
Ingham, R.
Irton, Samuel
Jephson, C. D. O.
Jermyn, Earl of
Jones, Wilson
Jones, T.
King, E. B.
Labouchere, rt. hn. H.
Lambton, H.
Lee, J. L.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Longfield, R.
Lushington, C.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Mactaggart, J.
Maher, J.
Mangles, J.
Marshall, W.
Melgund, Viscount
Milton, Viscount
Moreton, hon. A. H.
Morpeth, Viscount
Moyston, hon. E.
Mullins, F. W.
Musgrave, Sir R.
Nagle, Sir R.
Nicholl, J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferrall, R. M.
Paget, F.
Palmer, General
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Parry, Sir L. P. J.
Pease, J.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Poyntz, W. S.
Price, Sir Robert
Pryme, George
Pusey, P.
Rice, right hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundell, J.
Russell, Lord John
Russell, Lord
Russell, Lord C.
Sanford, E. A.
Scott, J. W.
Seale, Colonel
Seymour, Lord
Shaw, right hon. F.
Sheil, Richard L.
Sheppard, T.
Shirley, E. J.
Smith, J. A.
Smith, R. V.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Talbot, J. Hyacinth
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Townley, R. G.
Tracy, C. H.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Vere, Sir C. B.
Vigors, N. A.
Villiers, Charles P.
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain

West, J. B.
Whalley, Sir S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, H.
Winnington, H. J.
Wood, C.
Worsley, Lord
Woulfe, Sergeant
Wyse, Thomas
Young, G. F.

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Blake, M. J.
Bodkin, J. J.
Conolly, E. M.
Dick, Q.
Dowdeswell, W.
Fielden, J.
Finn, W. F.
Hindley, C.
Martin, T.
Polhill, F.
Power, J.
Ruthven, E.
Trevor, hon. A.
Williams, R

TELLERS.
Crawford, W. S.
Browne, R.

HOUSE OF LORDS,

Saturday, June 10, 1837.

MINUTES.] Bills. Received the Royal Assent:—Consolidated Fund.—Read a first time:—Turnpike Acts, Continuations, and Royal Military Canal.

HOUSE OF COMMONS,

Saturday, June 10, 1837.

MINUTES.] Bills. Read a third time:—Pillory Abolition.

MUNICIPAL CORPORATIONS, (ENGLAND) ACT.] Lord *J. Russell* moved the Order of the Day for the consideration of the Lords' amendments to the Municipal Corporations Act Amendment (England and Wales) Bill.

The noble Lord observed with respect to this Bill that it was most desirable, considering the pressing nature of the case, and the great length of time the Bill had already been before Parliament, that a measure of a nature similar to the present should pass in the present Session. For that reason he should propose that the Lords' amendments to the Bill should be agreed to as far as it was possible to consent to them, and he should only therefore oppose those parts to which he felt it impossible to agree. The first amendment in which he could not concur was that which provided that the councillor assessed to the largest amount of poor-rates should be the person to preside at the election of councillors in the different wards. He could not consent to the principle that the largest rate-payer should in all cases be the presiding councillor, but, acting under the desire that the measure should pass with as little delay as possible, he should not propose to strike out the clause, but only to amend it by providing that the councillors from amongst themselves should elect the presiding councillor, and that only in cases of disagreement the largest rate-payer should be selected.

Mr. *Brotherton* doubted much whether the principle of selecting the largest rate-payer was a good one; and he knew a case when the person who was assessed to the largest amount of rates in a borough was unable to write his name.

Mr. *Bernal* agreed with the opinion expressed by the hon. Member for Salford (Mr. Brotherton), but as they could not force others to take the same views as themselves, and as it was desirable the measure should pass, their object ought to be to have it passed in the least injurious shape possible.

Amendment agreed to, as were several other amendments.

Lord *J. Russell* could not agree to the clauses inserted by the other House regarding the auditing of the accounts. The board of auditors had stated various reasons why they could not perform in a satisfactory manner the duties which would be required from them, should such a provision be continued in the Bill; and he thought, when their Lordships were made acquainted with those reasons, they would see sufficient cause for altering the clauses which had been inserted. It was stated that if this new duty was thrown upon the board of audit, a great additional expense would necessarily be incurred; and that in fact, a new department would require to be established. For these reasons he would propose that clauses T and U be left out.

Motion agreed to.

Other amendments were agreed to, and on the motion of Lord J. Russell a Committee was appointed to draw up reasons for disagreeing to certain amendments of the Lords.

REGISTRATION OF BIRTHS AND MARRIAGES.] House in Committee on the Registration of Births and Marriages Acts Amendment Bill.

Several clauses were agreed to.

Lord *J. Russell* observed, that it had been on a former occasion stated by the hon. Member for the University of Oxford (Sir R. Inglis) as a case of great hardship, that the clergy should by this act be obliged to perform a civil duty unconnected with their sacred functions without receiving any remuneration. The hon. Member alluded to those parts of the Act which required the clergyman to make two copies of every entry of marriage, and to deliver four times in every year to the superintendent-registrar a certified copy of all the entries made by him in the marriage book since the date of the previous certificate. Since the subject had been brought forward he (Lord J. Russell) had on consideration framed a clause which, although it did not go so far as the hon. Gentleman proposed, would he thought, provide a remedy for the evil of which he had complained. The clause he had to propose provided that every clergyman should receive 6*d*. for every certified entry.

Clause added.

Various other clauses were added and amendments made.

The House resumed.

STEAM-BOAT EXPLOSION AT HULL.] Mr. *Wakley* wished to ask the noble Lord the Secretary of State for the Home Department whether the Government had sent an engineer to inquire into the late disastrous occurrence at Hull

Lord *J. Russell* replied that no person had been sent.

Mr. *Wakley* hoped the noble Lord would feel it his duty to send some qualified person to inquire into the circumstances under which the explosion had taken place. It was a very serious case, and he thought an investigation should take place into the causes of the accident, and that that investigation should be intrusted to some disinterested person, and not be left entirely to the local authorities.

Mr. *C. Wood* said, there certainly was a person appointed to examine and to take care of the Government steamers; but he had never heard that the Government or the Admiralty were bound to provide inspectors to examine into the condition of the steam-boats and their machinery throughout the kingdom. The whole facts, which it was now possible to learn, would be brought out before the coroner; though he doubted much whether, under the circumstances, any evidence could be obtained as to the cause of the accident. At all events, until the coroner's inquest was over, he did not think there would be any utility in sending down an engineer.

Mr. *Chapman* thought a person should be appointed to inspect the condition of all steam-boats once every three months. In the present case he had heard that the boiler was not sufficient.

Mr. *Wakley* said, his object was, that the Government should send some competent person to attend the coroner's inquest, and he thought the present case was as important as that of the railways to Brighton, in regard to which an engineer had been appointed.

The conversation dropped.

HOUSE OF LORDS,

Monday, June 12, 1837.

MINUTES.] Bills. Read a first time:—Pillory Abolition.

Petitions Presented. By the Duke of WELLINGTON, from Freemen of Waterford, against certain parts of the Municipal Corporations (Ireland) Bill.—By the Marquess of WESTMINSTER, from four parishes in Chester, praying that persons acquainted with the Welsh language might be appointed to Livings in Wales.—By the Marquess of BUTE, from Stirling, against travelling on the Lord's Day. —By Lord BROUGHAM, from an independent congregation in Northampton, in favour of the Bill for the abolition of Church-rates.

HOUSE OF COMMONS,

Monday, June 12, 1837.

MINUTES.] Petitions Presented. By Mr. BELL, and other hon. MEMBERS, against the abolition of Church-rates.—By Mr. FIELDEN, from the West Riding of Yorkshire, for the repeal of the Poor-law Amendment Act; and by other hon. MEMBERS to the same effect.—By Sir CHARLES BLUNT, from the Dissenters of Lewes, for the abolition of Church-rates; and eight others to the same effect, by several hon. Members.—By Mr. BAGSHAW, from Birmingham, for the establishment of Steam Navigation to India.—By Mr. BAINES, from Mr. LIVINGSTONE, complaining of the improper collection and appropriation of first fruits.—By Mr. MILES, from Bristol, for the better Observance of the Sabbath.—By Mr. C. FERGUSSON, a similar Petition from Cupar; and Sir GEORGE CLERK, from Annan; and Mr. ROBINSON, from Worcester.—By Mr. HUME, from Whitby, against the misappropriation of Tithes in that parish.—By Mr. DIVETT, from Exeter, for equalisation of the Land-tax.—By Mr. ELLIS, from the Mayor, Aldermen, and Burgesses of Coventry, against the Bill altering the limits of Cities and Boroughs.

CHURCH LEASES.] Lord *John Russell:* I rise, Sir, to move for the appointment of a Select Committee to inquire into the mode of granting and renewing leases on the landed and other property held by bishops, deans, and chapters, and other ecclesiastical bodies in England and Wales, and into the probable amount of any increased value which might be obtained by an improved management, with a due consideration to the interests of the Established Church, and the present lessees of Church property. It is but right that I should state, as the House probably will have concluded, that I am proposing this motion in consequence of the division which took place the other evening on the question respecting the abolition of Church-rates, and the substitution of a plan, in which, by a different and more advantageous arrangement, an increased value should be derived from Church property, which was proposed by my right hon. Friend, the Chancellor of the Exchequer. Sir, the consequence of that division was to affirm, by a small majority, the resolution that Church-rates ought to be abolished, and that other means of repairing the fabric of the Church ought to be provided, in the manner proposed by my right hon. Friend. That is the resolution as it now stands on the journals of the House, and which the House has confirmed. It would not, therefore, I think, be proper, even if my own opinion were not so strong as it was in favour of the plan that the Government has proposed to this House, or even if we were less anxious than we are to persevere with it, to consent to the abandonment of the plan. At the same time, the majority on that question, while, perhaps, it was not smaller than might be expected, considering the obstacles and objections that stood in the way of the adoption of that plan, was not such as would justify us in the hope or expectation that a Bill founded upon that plan would obtain the assent of such a majority as to enable it to pass into law during the present Session. It was to be considered, that the plan, as proposed, came into Parlaiment and the country altogether as a novelty—that it appeared to be a plan somewhat complicated in its arrangements, and dealing with a vast mass of property, in which a great number of persons, many of them of great weight and influence, were interested; and moreover, there seemed to be a totally unjust imputation thrown upon another part of the plan, that it proposed to abolish the means of keeping in repair the fabric of the Church without substituting any adequate substitute. Considering these objections, and the short time the plan had been considered in the country before the adoption of the resolutions by the House—considering also that many opinions had already been made up upon anticipatory representations of it before the plan itself was known—considering all these objections, the majority, though small, was still considerable testimony in favour of the plan. I think it would not have been astonishing, considering the novelty of the plan, the interests which it involved, the means which were taken to defeat it, and the activity and organization of misrepresentation which had been used for that purpose—it would not have been wonderful had there been a considerable majority against entertaining the plan at all. But the result having been that the introduction of the measure was sanctioned by only a small majority, and it being consequently deemed impossible or unadvisable to proceed with it during the present Session, there are reasons to consider whether, being on the one hand resolved not to abandon the plan, and on the other not to proceed with it this year, it remains to be considered whether it would not be advisable to inquire into the means of putting that plan upon a more mature and better footing. Therefore, I propose that a Committee should be appointed to inquire into the latter part of my right hon. Friend's plan, for I do not wish it to inquire whether Church-rates should be abolished or not, that being a question of state policy for the House alone to decide. I propose, therefore, that the Committee which I move for should restrict its inquiries to the present mode of leasing Church property; and therefore confining myself also to that particular subject, I shall endeavour to lay before the House some considerations which, in my opinion, would justify the institution of an inquiry of that sort. It is to be remembered, that it was objected by some of those who spoke against my right hon. Friend's plan, at the commencement of the discussion on the question, that a sufficient surplus could not be obtained for the purpose for which it was devised, even according to the calculations of my right hon. Friend; and on the other hand it was said, that even if there were a sufficient surplus derivable, it should not be applied in the way proposed, but should be devoted to the religious instruction of 2,000,000 of the people, who, it was alleged, were destitute of religious instruction. Afterwards it was urged against the measure, that it should not be adopted under any circumstances, because it would prove, in its very principle, destructive of the independence of the bishops, deans, and chapters, and other holders of Church property, and injurious to the lessees. On these grounds, therefore, I propose this inquiry to be appointed; and if I cannot urge enough to ensure the immediate adoption of such a plan as we have submitted on this subject, at least, I think, I shall show that sufficient reasons exist for an inquiry, and that a very strong *prima facie* case exists, that the present mode of dealing with Church property is not for the interests of the Church, nor for those of the lessees, nor for the benefit of the community at large. These are the propositions which the opponents to my motion will have to contend with: those who said on a former occasion, that if any improvement were feasible, it would be of a very trifling nature; and that if there were any it should be appropriated for the benefit of the Church, of the lessees, and of the community at large. Church lands are at present let either on leases for lives, or terms of years, and fines are taken at certain periods for renewal. Leases for twenty-one years are generally renewed at the end of every seven years; and leases for lives sometimes expire at the end of a single life, and sometimes, and, I believe, until very recently, very generally, are kept up by exchanging an old life for a younger one. I am informed, that in a majority of cases the old life is not suffered to expire before the exchange is made. Now, the operation here performed is in fact no other than this, that the person in whom the property vests, namely the lessor, borrows a sum of money on condition that he sells a certain prospective interest in his estate, to commence, say, in the one case, at the expiration of fourteen years, in another case at the dropping off of two lives. This sum of money being advanced on reversion—which to most persons could not be called a desirable species of investment—was advanced sometimes at the rate of five per cent., and in other instances at seven, eight, or nine per cent. Adam Smith stated, that "the landlords, instead of raising their rents to the proper value of the land, took a premium from time to time for the renewal of their leases, which was the expedient of a spendthrift to raise money, and that the result was generally hurtful to the landlord, and injurious to the tenant and to the community at large." I believe those opinions to be so sound, that no landowner who had not occasion to incur a particular expense, who did not stand in need of a large sum of money beyond his ordinary outlay, would resort to such a mode of dealing with his property, but, on the contrary, would continue to let his land for a certain rent, at its fair average value. But this is not generally the condition of those who hold Church property; and whatever might have been the case in former times, they now find themselves unable to take the prudent course which a landlord with property would take—namely, letting the leases expire, and renewing them for a certain term of years upon more favourable conditions. I will first refer to the laws under which these landlords are able to act in this manner—I will not attempt to explain all their complicated details, but merely to give a general statement of their bearing. A gentleman has made a chart, in which the laws relating to different descriptions of property of this nature are distinguished by different colours. They are classified into—those relating to archbishops and bishops, those relating to ecclesiastical corporations sole, not being parsons and vicars, and those relating to parsons and vicars and eleemosynary corporations. The 32nd of Henry 8th enabled archbishops and bishops, &c., to let their lands on leases binding to their successors, but under certain conditions, for a period not exceeding twenty-one years or three lives. By another statute, they were disabled from letting any lands during their own lives, except to the Crown, other than for twenty-one years or three lives, with an exception only as to concurrent leases. From the exception as to concurrent leases, deans and chapters were also excluded; they could not resort to them. There are various other acts also on the subject—one rendering the chief lease good on renewal, without the necessity for surrender, and another in the time of Elizabeth, which was a most useful provision, reserving a third of the payments in corn-rents. The consequence of these Acts has been, that from time to time, Church lands have been let on leases, some for lives, others for periods of years, and that certain fines have been paid by the lessees whenever it became necessary for renewals. Of course, the result has been what is already mentioned, that the landlord does not get the full value for his property. Let us consider the situation of a bishop who has newly come into possession of property of this description. He is, generally speaking, a person at an advanced period of life, not used to the management of such property. When he came into possession, he would naturally wish to be informed whether such an income was attached to it as, without embarrassment to himself, and the probability of inconvenience to his family, would enable him to keep and bring up his family in the way he could desire; and he then comes to learn that he must expect to derive half his income from the fines payable on the renewal of leases. If he refused to renew a lease in one case, of course he could do so; but the effect would be, that he would immediately receive a smaller sum from another for a concurrent lease. He is, therefore, placed in a condition of considerable difficulty, if he wishes to maintain to himself the income which his predecessor enjoyed. Such are the disadvantages of the present system, as regards the lessor. The disadvantages as regards the lessee, are of a different description. Whilst he has an expectation that the lease he holds will be renewed, he has no certainty, no security, and he is unable, therefore, in common prudence, to lay out such an amount of capital upon the land, as he would if it were an estate which he could call his own, and had a reasonable certainty of leaving to his family. Therefore, it appears, that whilst the lessor does not get the full value of his land, the lessee does not lay out upon it the amount of capital which would be required to keep it in full and proper cultivation. This is a point which is well stated in a pamphlet written by a Mr. C. Heneage Elsey, a passage from which I will read to the House:—

> "For this annual payment, (he says) the lessee will have an estate of freehold of inheritance, entirely at his own disposal, which he may lease, or sell, or mortgage, to whomsoever he pleases, subject to the rent-charge; he will be free from all apprehension of having to bargain for renewals from time to time, and from all the trouble, anxiety, and expense attendant thereon: he will no longer be liable to be called upon to raise the money for the renewal, when it may be very inconvenient for him to do so. He will, likewise, be rid of the dignitary's valuer, solicitor, steward, bailiff, woodcutter, and gamekeeper; he may plant a tree and water it, with the certain hope that he and his son, and his son's son, may sit in the shade thereof; he may drain, cultivate, and improve his fields, without fear of the dignitary's valuer making him pay twice over for his improvement, by an increased fine at the next renewal. In short, what seemed to be his own will then be his own."

I will now put the question as regards the Church in general, and the community in general. As regards the Church in general, I must submit, that even before the changes effected by recent Acts of Parliament, the position in which this system placed the heads and dignitaries of the Church, was by no means a desirable one. It depended in a great measure upon the difference of character, of temper, and of age of the person himself, in what condition he would be in respect of his property. I will put the case of a young man succeeding to a bishopric. He may propose, perhaps, to run life for life against the lessees, and so become possessed of the leases to his own use. I will put, then, the case of a man at a different period of life, and therefore in a different condition. This person may be obliged to take any terms that are offered, and so he must be manifestly at a disadvantage. I will then put the case of a person removed at once from a university to a bishopric; a man who, most probably, will be so totally ignorant of the peculiar nature of his prospects, and of what would properly tend to his advantage, that he can hardly help being a loser. If I were, then, to put the case of a man of considerable worldly ability, but of a grasping and selfish disposition, he, by endeavouring to make good bargains for himself and his family, without regard to the interests of his successors, or of the Church in general, might expose the one to loss, the other to considerable odium. In fact, in different cases, the operation of the evil principle will vary, but the result will still be pernicious in all. With respect to the case which I have last alluded to, I cannot avoid quoting the observations of Bishop Burnet on the subject.

> "If they (speaking of bishops), not content with educating their children well, and with such a competency as may set them afloat in the world, think of building up their own houses, and raising up great estates, they will put the world on many unacceptable inquiries. Wherefore is this world made—why are these treasures continued to men who make such an ill use of them—and why is an order kept up that does the Church so little good, and gives it so much scandal?"

This is an evil which may much more easily happen where a bishop has the power of trafficking in these leases, and of building himself up a great house, and a great property out of them, than if he were not concerned at all in the management of this description of property.

Whatever were the disadvantages of the position in which the bishops and lessees have been hitherto placed, those disadvantages have been very much increased by certain recent Acts of Parliament resulting out of the Reports of the Ecclesiastical Commissioners. On a former occasion I mentioned, as an instance of this, the case of the Bishop of Durham, who is obliged to pay 11,000*l.* a-year out of his income to the Ecclesiastical Commission. I know a person who has been long intimately connected with this subject, who has assured me, that it would not be safe out of the property of the see of Durham, having a due regard to the safety and interests of his family, for the bishop to continue liable to an annual payment of 11,000*l.* The consequence, therefore, I need hardly say, may be very inconvenient, if not ruinous, under the present system of fines; for a bishop, whose income is 4,000*l.* this year, may only have 1,000*l.* next year, and from 20,000*l.* one year, may next year be reduced to 4,000*l.*; yet being subject to a constant and unvarying yearly payment, he may be obliged to borrow money sometimes, to make these payments good; and if he only survive a year or two afterwards, he may leave his family unable to liquidate the debt incurred. I will not go into more individual particulars, except in one case, in which the Bishop of Ely held a correspondence with the Ecclesiastical Commissioners, and by publishing the particulars, has furnished me with the facts. The Bishop of Ely maintained, that the income of a bishop could not be in the nature of a salary, consistently with the dignity of his office. In the course of his correspondence with the Ecclesiastical Commissioners, he found he would have a payment to make out of his income to the amount of 4,000*l.* It was, in all cases, a matter of great nicety and difficulty for the Commissioners to determine what s um ought to be contributed out of his income of this description, and event ally they reduced the payment of the Bishop of Ely to 2,500*l.*; but even then the bishop said, it was more than his see was able to pay. From the present mode of letting Church lands, there is a great uncertainty both to the possessor and the lessee. In a number of cases, for instance, after fourteen years have run out, the interest of the tenant ceases; and, perhaps, as it might not be convenient to renew while the lease was in operation, then the lessee might not judge it for his advantage to pay the fine demanded, or renew the lease on certain terms; or perhaps the bishop may have some other person in view, and be inclined to show partiality to another person, to the prejudice of the late tenant. For reasons such as these, the bishop says he wishes to adopt the proposition made by the Ecclesiastical Commissioners, and accept a fixed income of 5,500*l.*, paying over the surplus of 2,500*l.*, to be disposed of, as these Commissioners might judge convenient. He adds, that though opposed to the abolition of Church-rates, he sees no other alternative, because he thereby leaves to himself and successors 5,500*l.*, and becomes exempt from charges that, under other circumstances, would have been made upon him. The bishop concludes by declaring, that the most just way of settling the question, and that though, according to all his former notions, he objected to a fixed income, yet he finds that the existing Acts of Parliament would be so injurious to him and his successors, that he begs that the Church lands may be charged for an income fixed by Act of Parliament. Now, that is not the only diocese respecting the funds of which the same arguments may be used; for the Archbishop of Canterbury, the Archbishop of York, the Bishops of London, Worcester, Winchester, and Salisbury, will have to make similar payments for the future, and, in consequence of these payments, their incomes must be uncertain. It, therefore, appears to me, that some plan like that of my right hon. Friend the Chancellor of the Exchequer, if not exactly similar, should be adopted, by which a fixed sum would be received out of the estates for the bishops; and the estates also be managed, not only for their benefit, but for that of the community. Let it also be borne in mind, that this proposition, which has been so much objected to, has received, to a certain extent, the consent of the archbishops and bishops, and that they have considered it expedient to receive out of the Church lands a fixed income, varying only in consequence of any erroneous calculations that may be made by the Ecclesiastical Commissioners. In fact, such a plan will not change the amount of income, but it will render it more fixed and certain. There is another Act to which I wish to call the attention of the House—the Act for the renewal of Church leases. That Act was drawn up on the recommendation of the Commissioners; it was introduced in the other House by the Archbishop of Canterbury, and I had the honour of carrying it through this House. By that Act, a considerable change was produced, not only as regards bishops' lands, but also the lands of deans and chapters. It is necessary to keep in view, that not only the property of the deans and chapters is to be touched, but also that there is to be a diminution in the number of these dignitaries. If, for instance, the number is to be reduced from twelve to four, there must also be a diminution of income. Only four parts out of twelve will go to them, and the remaining eight parts will go to the Ecclesiastical Commissioners, for purposes of religious instruction. Much has been said about the change which the Church-rates Bill would produce as regarded the interests of the lessees, and opposition has been made to it on that account. Now, that very Bill to which I have adverted also made considerable changes as regards the lessees. Formerly it was the custom for lessees to change lives, in order to give the lessees the power of selling out for their own interests, or the particular interests of other parties; but, by that Act, the power of so doing was taken away from the lessees, and an interference with their tenures as direct as that proposed by the Church-rates Bill was adopted, with the consent of the Ecclesiastical Commissioners. There is another clause in that Bill which deserves the attention of the House, because it afforded an opportunity of answering those who say, that there are no abuses in the mode in which leases of Church lands are granted, and that we may safely trust to the Church, and the lessees for conducting the transactions fairly. If such is the case, what occasion for the clause which declares, that parties to the execution of a lease, who shall insert in it what they knew to be false shall be guilty of a misdemeanour. That shows that Parliament is not disposed to trust to the parties. But there is another part of the question which deserves the attention of the House, and which shows how desirable it is that any change in Church property, any change as to the mode of letting the lands or receiving fines, should be made under the sanction of Parliament, not by private but public bills. In many instances, bills have been introduced for the purpose of allowing the bishops or deans and chapters to sell lands, or grant particular leases, by which the property might be greatly improved. One consequence of that is, that in place of leaving Church lands in their present state, and preventing buildings being erected on them, the interests of the Church and the community have alike been consulted, and an improved management has taken place. Some improvement, it must be allowed, has been made in several instances, but in others the reverse has been the case, and both the Church and the community have suffered. From the year 1750 to 1834 thirty-three Acts of Parliament have been passed for the management and leasing of particular Church estates, and in several instances the fee-simple has been conveyed away, or leases for ninety-nine years, or some other considerable period, have been granted, not for the benefit of the Church or the community, but for public bodies or private individuals. It is not my intention to go into particular cases, because in most instances the bargain may have been fair and proper; but I submit that it is not fit and right that these transactions should be left to local Acts of Parliament, and that no general provisions should be laid down for Acts of this kind. It is fit, therefore, that there should be a Committee of inquiry into cases of that kind. It is not, however, my wish or intention to go through them all, because, though some of them may appear to have been unfairly carried into effect, yet, possibly, an explanation might be given which would remove the suspicion with which they are at first sight viewed. I will refer only to one case, and that, probably, may receive an explanation. The case occurred in 1765, when the dean and chapter of the cathedral of St. Paul's conveyed away certain Church property in the manor of Finsbury. It appears that the Corporation of London being desirous to acquire certain property in Finsbury, obtained the sanction of Parliament, and, in consequence, a lease of sixteen years was cancelled, with the consent of the Bishop of London, into a lease for ninety-nine years, the moiety of income of the property to go to the corporation, the other moiety to Dr. Wilson for life, and at his death two-thirds to go to his heirs; the consequence of which was, that only one-sixth went to the Church, and the other five-sixths to the city and Dr. Wilson's heirs. Thus, it appears, that five-sixths of the estate were alienated, and only one-sixth left to the Church. I do therefore submit, that transactions of this kind, in place of being carried into effect by private Acts of Parliament, should be submitted to some supervising power, though the hon. and gallant Member for Lincoln will probably object to the remedy. I think that a Committee of some kind should be appointed to see that the Church received the full benefit of the property, and that the community in general did not suffer. There are several other instances which I could quote to show that Church property had been made matter of sale; but the greatest sales which have occurred have taken place since the Land-tax Redemption Act. Between March 1790 and June 1837 there have been 3,679 sales, and the amount received has been 1,460,010*l.* for the property. This shows that Parliament may in certain cases approve of a sale of lands; and that these sales may be advantageous to the property and advantatageous to the Church. Having made these remarks with regard to a general mode of letting Church lands, and the benefit that might be derived from a public Bill embodying general provisions, I will next advert shortly to the benefit that would be obtained by some common tenure. In the first place, by the present mode of tenure the bishops and dignitaries of the Church are placed in a position by which, from carelessness or want of knowledge, their interests may suffer, or they may settle on their families property which ought to belong to the Church. In such a case, a remedy is necessary not only for the lessor, but for the Church. In the next place, if a proper law was passed, the lessee, instead of uncertainty and the vexation which he now experiences, would have a security for the tenure of his property. I must also remark, that the expense of renewing leases was very considerable. The ordinary expense for the renewal of a lease is 30*l.* or 40*l.*; but it may be 200*l.*, 300*l.*, or 400*l.*, and it may afterwards require to be amended for even omissions of a trifling nature. Besides that, the lessee is afraid to build, or plant, or renew a lease, as he may be subjected to some additional charge; but by such a plan as that proposed he would be allowed the full profit accruing from any change, and great benefit would also accrue to the public, because the general property as the law now stands cannot be let on advantageous terms. Due profit cannot be obtained from the productions of the land, nor can the tenant cultivate it in a way the most likely to benefit himself. Wonder has been expressed that a law may be made by which two parties can be gainers. Now, I think it may be shown that both sides may be gainers. You may buy a house, or a horse, or a carriage, and gain may be made by both parties. I can easily conceive this: the one party gets rid of what he does not want, and the other gains the commodity of which he stands in need. I will not go into particular cases to show that fraud may be practised under the existing arrangement, but satisfy myself with expressing a conviction that a general plan may be adopted by which both parties may gain—the one obtain a secure title, and the other have a certainty of his income. With respect to the manner in which changes of this kind are effected, I certainly remain of the same opinion, that the proposition of my right hon. Friend is one founded on fairness and justice, and conducive to the interests of both parties. No doubt there may be cases which will form an exception to the general law. There may be cases of a complicated nature, such as property in mines, and other property; but I am convinced that by the plan proposed great gain would accrue to the lessees, as well as to others, by which the title of the property would be more secure, and both parties would have a more certain object in view. I do not know on what grounds the proposition can be opposed. I can see if the present mode of letting Church lands is not unobjectionable, that the lessors may require a probable amount for the increase of the value; but I will not go into the proposition if there will be any increase of value, because that matter is so evident that attempting to discuss it would only throw a doubt on the resolutions to which the House has already given its consent. I only wish to call the attention of the House to the probable amount that the value of Church lands may be increased, and to the mismanagement of the property. Many persons objected to the measure because the interests of the dignitaries of the Church would be injured by it; but I think I have shown that no such result would be the consequence; on the contrary, that by the change the property would be greatly improved and better secured. It has been urged against me that the proposition of my right hon. Friend had been proposed and unanimously negatived in the Church Commission. I certainly was one who negatived the plan, and I did it on the ground that large sums might be advanced to make up private incomes and let the leases expire. It was stated as an objection, that those who advanced the money would be gainers; and that though there would be an increased value of the whole property, no advantage, no portion of that increase, would go to the Church by the adoption of such a plan. I own that these appeared to me well-founded objections; but on consideration, I can see no inconsistency in opposing and supporting the resolutions agreed to by the House. If you say the State shall advance the sums, and the State shall have all the advantage, the State or the parties advancing the money shall be the gainers; but if, by an Act of Parliament, the State alone is to advance the amount required, and to receive the amount of the increased value, then I say Parliament may dispose as it pleases of the surplus. I therefore think that such an objection as that urged to the Commission is not a sufficient ground for rejecting a plan of this kind. Objection has also been made on the part of the lessees, but I think that is owing rather to the particular plan proposed; because no lessee denies that there will be an increased value, though it may not be so large as the increase in the rent which the lessor might be disposed to ask. I do not, therefore, see why some plan may not be adopted by which the lessees may be gainers with the rest of the community. I know no good ground for objecting to inquiry, nor can I conceive how any one can object to inquiry unless he knows of something which he does not wish to meet the public eye. I am willing to resort to that test of the proposition made by my right hon. Friend. We are not afraid of any light that can be thrown on the question by inquiry. We thing there should be inquiry; and accordingly have taken care that all papers and documents relating to the subject should be ready to be laid before the Committee, should the inquiry be gone into. I do not think any blame can be imputed to those who propose to submit a great plan to the test of inquiry. It will be for the House to say, after the Committee have reported, what plan they will adopt, and what is to be the application of the surplus, which must be considerable. I consider the best application of it will be as a substitute for Church-rates, in accordance with the resolutions of the House. I cannot see any possible better application. Others say, if there be a surplus it ought to be devoted to religious instruction; and those who say so ought to strengthen themselves by supporting the motion for inquiry; for if they can prove that the surplus that may arise from the increased value of the land should be set apart for religious instruction, in preference to the abolition of Church-rates, then we ought to have their support. I therefore do not see what objection can be made to the measure. It is for the interests of the Church, it is for the interests of the community; and those who object to it only betray their unwillingness to have facts exposed to public view; and although some object to it, I think unnecessarily, because it may lower the pride and dignity of the heads of the Church, I prefer rather the good of the Church, the harmony of the community, and the religious instruction of the people. The noble Lord concluded by moving for the appointment of a "Select Committee, to inquire into the mode of granting and renewing leases of the landed and other property of the bishops, deans, and chapters, and other ecclesiastical bodies of England and Wales, and into the probable amount of any increased value which might be obtained by an improved management, with a due consideration of the interests of the Established Church, and of the present lessees of such property."

Mr. *G. Palmer* said, that the noble Lord very clearly developed the objects he had in view—objects, however, which, in his opinion, were nothing more nor less than the total alienation of church property, and the converting into mere stipendiaries the bishops and other dignitaries of the establishment. According to all ancient custom, church property could not be sold. If they looked to the grants made to the church by pious individuals some nine or ten hundred years ago, they would find the principle laid down that no propostion for selling the estates of the church could be made without incurring the vengeance of Heaven; and he firmly believed, that if that House suffered the alienation of church property to take place, they would be thereby destroying the foundation upon which every species of property in the country rested. There was no description of property held by so sacred or so ancient a tenure as that which belonged to the church, and if it were destroyed what security had they for property of any other description? The principle now advocated by the noble Lord had been once before put forward in this country, on which occasion they had been combated by a very eminent statesman, and one too who was a great advocate for the liberties of the people—he meant Edmund Burke, who had spoken as follows:—

> "What is that cause of liberty, and what are those exertions in its favour, to which the example of France is so singularly auspicious? Is our monarchy to be annihilated, with all the laws, all the tribunals, and all the ancient corporations of the kingdom? Is every landmark of the country to be done away in favour of a geometrical and arithmetical constitution? Is the House of Lords to be voted useless? Is episcopacy to be abolished? Are the church lands to be sold to Jews and jobbers? Are the curates to be seduced from their bishops by holding out to them the delusive hope of a dole out of the spoils of their own order?"

They were told that the bishops of the church no longer possessed any real property, that they ought to be nothing more than stipendiaries upon the country; but they might depend on it, that if once they became stipendiaries, they would cease to be bishops.

Sir *Harry Verney* wished to ask the hon. Gentleman who had just sat down whether his Majesty's Government had injured the property of the Church by the Tithe Bill of last year? So far from it, that Bill had very much improved church property. Receivers had been greatly benefitted by it, and payers had been greatly eased. He should vote for the proposition of the noble Lord, certainly; but he should not consent to apply the surplus to any but an ecclesiastical purpose, while the church remained so inadequately provided for.

Mr. *Goulburn* would give to the noble Lord's motion all the opposition in his power; because he conceived, notwithstanding the noble Lord's statement, and indeed, in consequence of that statement, that it was fraught with danger to the property of the church, and with danger to every other description of property. He did not stand there to maintain what the noble Lord called the pride and dignity of the church; but he did stand there to maintain the right of the church to enjoy in security the property assigned to it by the law, and to enjoy the power of employing it in the dissemination of religious instruction. It was impossible to listen to the noble Lord's speech without feeling that the House were again called upon to pronounce upon the same question which had been so recently under their consideration. The noble Lord had, indeed, told them that he had abandoned the measure which it had been the intention of Government to introduce this session into Parliament, and at the same time that he was highly gratified by the reception the question had met with in that House, and that, in his opinion, the very smallness of the majority by which this resolution had been carried was a proof of the approbation of the country. He confessed he felt somewhat surprised at the expression of that opinion. He, however, hoped that the noble Lord, in submitting measures of a similar nature to Parliament, would be henceforth furnished by that House with increased grounds of gratification; for, as the noble Lord had felt so much at the smallness of the late majority, how much greater should be his ecstacy on finding himself in a minority. It had been said by a poet, speaking of a different subject, my wound is great because it is so small, and it had been wittily replied, it would be greater were it none at all. On the same principle, the noble Lord, rejoicing as he did in the extreme minuteness of his majority, would, he doubted not, be the happiest man in the House if ever he should find himself in a minority, and he hoped that all who were anxious to gratify the noble Lord's wishes would endeavour to vote in accordance with them on the present occasion. The noble Lord had told the House that he proposed this Committee in order to prepare the way to carry into effect the Ministerial plan regarding church-rates in a manner more convenient to the Government, and better calculated perhaps, he might add, to secure the support of those who would oppose it in a less disguised shape. He did not oppose the motion, because he thought it impossible to introduce an improved system of managing the property of the church consistently with the maintenance of its interests—for he had always considered that property to be capable of gradual improvement, and of affording increased means for the supply of religious instruction and pastoral superintendence—but because the Committee which the noble Lord proposed was both unnecessary and calculated to defeat the objects which he professed to have in view, and to produce results fatal to the well-being of the establishment. If the noble Lord wished to effect an improvement in the management of the church lands, it was his duty to bring forward the measure on the sole responsibility of the Government. When the object was to improve the Crown lands, was a Committee appointed to investigate the rights of the Crown to hold them, and the nature of the interests of the tenants and lessees? The noble Lord ought to tell the House why, having first brought forward a scheme on the responsibility of Government, he now called on them to institute an inquiry into its details and principles, seeking to divest himself of the responsibility which belonged to him, and to shield himself behind the recommendations of a Committee of his own selection, under the pretence that they were really the opinions of an impartial Committee. It could not be said, that the Committee was necessary in order to conduct the inquiry in a satisfactory manner, for the noble Lord had already at his disposal sources of information as ample as any which the Committee could supply. The noble Lord, with other Members of Administration, was one of a Commission appointed by his Majesty to devise the safest and most equitable means of applying the revenues of the church to the increase of pastoral superintendence and religious instruction. That Commission formed an instrument of inquiry, without danger of injury to existing interests, and would enable the noble Lord, if he really wished to settle this great question with a just regard to the safety of property and to the usefulness of the church, to frame a measure that might be productive of lasting benefit, and to submit it to Parliament on his own responsibility. The noble Lord could not say that he would be overpowered by the ecclesiastical Members of the Commission, for they were inferior in number to the laymen comprised in it. Here, then, was a body admirably adapted to attain the object which the noble Lord proposed by his Committee. Surely, if the noble Lord, desired to have the inquiry fairly conducted, he would intrust the care of it to the Commission already sitting, which had been long occupied with kindred investigations, instead of proposing a Committee who were to inquire into matters not at all essential to the main object. The noble Lord alleged, as a reason for consenting to this Committee, that the Acts passed last Session with reference to the established Church had caused great inconvenience and embarrassment, and that the inquiry was necessary to remove the difficulties to which they had given rise. Why, the noble Lord had recommended these Acts to the House on the ground that they were expressly destined to strengthen the establishment and increase the security of property. With what consistency, then, did the noble Lord now tell them that these measures had produced evils which could only be removed by undertaking an inquiry with a view to a total alteration of the tenure of church property, and the system of managing it? He could not shut his eyes to the danger of such a proceeding. Committees of inquiry were generally the instruments by which oppositions attempted to impede the course of Government, and many Gentlemen entertained the idea that they must necessarily always be beneficial, unless it was desired to conceal from the public all information on the subject to which they related. This opinion however, was merely a delusion, for he might appeal to all who had any practical experience whether such inquiries were not frequently productive of the most injurious consequences, in exciting groundless expectations in the public mind, or leading to rash and hasty conclusions. The Chancellor of the Exchequer had more than once resisted the appointment of a Committee on general taxation, not from a desire to maintain a vicious system of finance, but, he believed, in the well-founded opinion that the consideration of a subject so important by a Committee of the House of Commons would injure the public revenue, hurt the domestic prosperity of the country, and interfere with the pecuniary transactions of individuals. The noble Lord had told the House distinctly, that the proposed Committee was to have for its object the application of the surplus revenues which might be derived by transferring the Church lands to the management of Commissioners, to form an equivalent for Church-rates. Towards the close of his speech, indeed, the noble Lord had held out some faint prospect of allowing the application to be an open question, intimating that it might afterwards be considered whether the surplus should not be devoted to increase the means of religious instruction; but it was manifest, from the tenour of the noble Lord's observations, that he wished to apply the surplus to relieve the landed interest from the payment of Church-rates. The Committee was first to ascertain the amount of the sum which might be derived from the altered system of managing the Church lands. This information could only be attained by comparing the sums at present received by the archbishops, bishops, and dignitaries of the Church, with the income at present enjoyed by the lessees. Every one who considered the varied nature of ecclesiastical property, consisting of lands, mines, tithes, and other possessions, must see that specific inquiries as to each of these kinds must be made, in order to form any just judgment on the subject. How then, would these inquiries affect the interests of the Church? He could state as a positive fact, that already the agitation of the question had considerably affected the stability of Church property. Tenants of Church property hesitated to renew their leases; and persons who had advanced money on Church property were anxious to recover their loans. Of course, the appointment of such a Committee as that proposed by the noble Lord would aggravate the evil. Of the whole amount of the property of the deans and chapters, which was about 430,000*l*., 260,000*l*. depended on fines received for a renewal of the leases of Church lands. After the expectations on the subject which the noble Lord had held out, was there a rational man who could suppose that any tenant would, during the next year, be disposed to pay a fine for the renewal of his lease of Church land? What, then, would be the situation of the higher branches of the Church? Fines constituted two-thirds of their revenue. Deprived of these, the whole intention of the proceedings under the Ecclesiastical Commission would be entirely defeated. Was the present a time when it was expedient to divest the dignitaries of the Church of the means of promoting useful establishments, of diffusing religious instruction, and of contributing to other benevolent objects? Yet, the certain consequence of appointing the Committee proposed by the noble Lord would be to cut off the funds applicable to such purposes. To do their duty, the Committee must inquire into the profits of the lessees of Church lands; they must examine into the private affairs of those lessees; they must see how far they had already improved the property, and of what further improvement it was capable. How was all this to be effected; especially when it was recollected that the object in view was adverse to the pecuniary interest of the persons whose situation was to be investigated? The inquiry would, indeed, be of the most complicated and difficult nature. It would go to the developement of all the private affairs of the individuals concerned, and would in many cases be exceedingly injurious to them. The immediate repayment of sums advanced on the security of Church property would be demanded, and the effect would be ruinous to immediate, and detrimental to future interests. If he failed in his opposition, he should propose, as an amendment to the motion of the noble Lord, to limit the application of whatever funds may be derived from this inquiry to the purposes to which he thought they were strictly applicable, namely, the increase of religious instruction, and the augmentation of pastoral superintendence.

Mr. *Gally Knight* said, that as he could not deny the right of Parliament to interfere with Church property for the purpose indicated in the motion, and as he was desirous to see an increased value given to that property, if it could be effected with a due regard to the interests of the Church and of the lessees, he should not oppose the motion of the noble Lord. If Ministers made the proposition with any sinister designs, the suspicion of those motives could not attach to those who, like him, wished for the prosperity and permanence of the Established Church.

Colonel *Sibthorp* said, it was a most extraordinary proceeding on the part of the noble Lord to come down to the House at the eleventh hour of the Church-rate Bill, and propose the appointment of a Committee to inquire into that with which he ought to have been well acquainted before he presumed to bring forward the Bill itself. He would not call it a shuffle, but it certainly appeared to him to be a mere Ministerial trick to impose on the public out of doors, for it was impossible for the noble Lord to impose upon the House. The noble Lord now asked for a Committee to inquire whether there was any surplus fund belonging to the Church, when only a few nights ago he brought in a Bill founded on the assertion that such a surplus was in existence, and available for the purposes of his plan. He would not question the noble Lord's attachment to the interest of the Church, but he thought, if that noble Lord, instead of proposing any measure to reduce the property of the Church, would endeavour to restore that which had been taken away, and set the example himself by giving back the Woburn estates, he would prove himself to be a friend of the Church indeed. The noble Lord knew that the Church was robbed of property of the value of upwards of 50,000,000*l.* to satisfy the feelings of a most malevolent tyrant; and if the noble Lord would take measures to restore that property, there would be no occasion to rob the Bishops of their rights at the present day, to find means for supporting the fabric of the Church. He should feel it his duty to vote against the noble Lord upon this and every other motion of a like nature. Should the Committee be appointed, however, he would immediately move for a return of all the manors, lands, estates, and revenues which belonged to the various abbeys, monasteries, and religious houses of this country before they were disturbed and taken away by Henry 8th, and also for a return of the names of those individuals to whom that property, or any part of it, had been given, the date when, and reason why.

Lord *John Russell* said, that, as the right hon. Gentleman and other hon. Gentlemen had referred to the Church Commission, perhaps, though not strictly correct, he could save the time of the House if he made a short statement. He would not say whether this inquiry had better be conducted by the Church Commissioners or by a Select Committee—he would not say which he should prefer. Circumstances had occurred since the Cabinet had agreed to the abolition of Church-rates, and the treatment of the property of the Church as proposed, which, having been communicated to some of the members of the Church Commission, they had raised strong objections to. They felt that they could not agree to the means proposed to be adopted; but afterwards, when the plan was brought before Parliament, the Commissioners not belonging to the Administration, both lay and ecclesiastical, stated, that though they could continue to act as Commissioners under the Act of last Session, they differed so much on the plan of Church-rates, that they suspended all opinion as Commissioners on that part of the inquiry.

Mr. *G. H. Vernon* was astonished at the statement made by the noble Lord, because it seemed to implicate the Church Commissioners in a manner which they did not deserve. The course taken by the Commissioners was clear and correct. They had considered themselves appointed to advance the religious instruction of the people, and they were ever disposed to attend to any thing which could promote that object, but he considered that the plan of the noble Lord would have the effect of depriving them of the means of doing so to a great extent, because it would divert a large portion of the Church revenues from their original design. That was their objection to going into the question of Church-rates. In bringing forward that measure the Government had acted on their own responsibility, and in the belief, or the alleged belief, that the funds on which they calculated were in existence. It could not be supposed that they would really pretend to be so stultified as not to know that which every lawyer in the kingdom knew. His Majesty's Ministers, of course, were well acquainted with the whole subject, and did not require any fresh information; but then there were many hon. Members who were ignorant of the real state of this question, and therefore a Committee might be the means of affording them some instruction and illumination. He was quite astonished at the ignorance which some hon. Members had displayed in the course of the debates on this subject. But then it was the duty of the noble Lord to set those hon. Members right, and to remove the cause of the egregious blunders which they had committed. He must say, that he had heard with the utmost surprise the erroneous statements put forth by some hon. Members, not only on this question, but on other topics connected with the Church. He had thought the hon. Member for Leeds was better informed until he heard him speak. The same want of correct knowledge was exhibited by other hon. Members who travelled into the subjects of tithes and Church leases. He considered the present question was one which lay in a very small compass. He rested his opposition to the motion of the noble Lord on two simple grounds. First, he thought that the Government itself, independently of any Commission or Committee, ought to be able to bring forward such a measure as would be advantageous to the public generally; and secondly, and this was a more imperious duty, they ought to propose such as would be beneficial to the Church, for the good of the entire population was connected with the welfare of the Church Establishment. The position of the noble Lord was rather inconsistent, seeing that he was a Church Commissioner himself. He hoped he would withdraw this motion, and summon the Church Commissioners together again. The noble Lord had thrown out a bait in the concluding part of his speech to entrap the hon. Member for Weymouth and the hon. Member for St. Andrew's, who had expressed it as their opinion that the increased value of Church property might be realized, but objected at the same time to any diversion of the funds of the Church from their original purpose. The noble Lord was therefore perfectly aware that he would not be able with a majority of five only to carry his Bill through the House, and therefore he sought by a sort of side wind to put it off to the end of the Session, and delude the Dissenters and their friends into a belief that he really had attempted a good and safe plan. But in doing that he was only intercepting the good that might be done, and preventing the accomplishment of a just and proper settlement of the question. The noble Lord might increase his majority by the course he was taking, but if he did it would be only in support of little else than a mere name.

Lord *John Russell* felt it incumbent on him to say a few words after what had been imputed to him. He begged the House to recollect that he did not offer any statement on the Church Commission till it had been urged that this inquiry should be prosecuted by the Church Commissioners. He thought the objection of members of the Church Commission, except those of the administration, was, that they were opposed to the application of the Church funds to the abolition of Church-rates, and secondly, to placing the management of the property in a central Commission, as proposed by the Government. Upon these two points they entirely differed from the Ministry, and he must say that, having stated that difference so broadly, they could not act with the Government, and he agreed with them that it was totally useless that there should be any meeting at all on the subject.

Mr. *Harvey* denied that any misrepresentations had been made on that (the Ministerial) side of the House, as to the amount and value of the resources of the Established Church. But if the hon. Gentleman were not satisfied with his (Mr. Harvey's) assurance upon the point he would read to him an extract from the Report of the Church Commissioners themselves, which would show that the Church of England, instead of being, as the hon. Gentleman opposite would lead the House to believe, an exceedingly poor and impoverished Church, was in fact the richest and best paid Church in the world. The Church Commissioners divided the revenues of the Church into three parts—first, the revenues of the cathedrals and other ecclesiastical corporations; second, the revenue received and appropriated by the bishops; and third, the amount of the livings throughout the country. In making their Report, the Commissioners very studiously distinguished between the gross and net amount of the revenue of the Church; and, after making every possible deduction, they admitted the net revenue per annum to be 3,441,156*l.* That was the net amount admitted by the Commissioners in their Report; but over and above that amount there was another sum also admitted by the Commissioners, received and applied to the repairs and support of the Church, amounting to not less than 50,000*l.* or 60,000*l.* per annum. Was the hon. Gentleman opposite prepared to impeach the statement of the Ecclesiastical Commissioners? and did not the admission of the Commissioners themselves bear him out in the assertion that the Established Church of England, however much its supporters might endeavour to prove its poverty, was, in fact, one of the richest, if not the very richest, churches in the world? He believed, however, that the real value of the resources and revenue of the Church had been very much underrated by the Commissioners. He had no more doubt than he had of his own existence that if the value of the whole ecclesiastical property were thoroughly investigated before an impartial tribunal it would be found to amount to very little short of 5,000,000*l.* a-year. In the proposition now made by the noble Lord (Lord John Russell) he thought there was very little ground for the alarm to the Church lessees of which the hon. Gentleman (Mr. Vernon) opposite spoke. On the contrary, he thought, from the mode in which the motion was framed, from the regard which it expressed and insisted should be observed towards all existing interests, that the lessees under the Church might find abundant comfort from the course proposed to be pursued. He owned he could not distinctly understand from what had taken place whether the noble Lord (Lord John Russell) intended to yield to the insidious suggestion of the hon. Gentlemen opposite, to refer this matter back to the Ecclesiastical Commissioners instead of to a Committee of that House. If such were the noble Lord's intention, he surely could not so far blind himself as not to perceive that the whole of the proceeding would be utterly valueless; because one of the chief objects, nay, he should almost say the only object, of another inquiry was to ascertain whether the Report of the Ecclesiastical Commissioners were correct. At the same time he doubted whether the mode of inquiry proposed by the noble Lord was the best that could be adopted. Looking at the experience of the past, and well remembering what took place upon a motion of his own for a Committee upon Crown lands—three years elapsing before a report was made—he could not help regarding inquiries before a Select Committee of that House as often indefinite, and commonly protractive. Considering, too, the time of year, it appeared to him highly improbable that any inquiry before a Committee could be expected to terminate within a period that could be fairly presumed as belonging to the present Parliament. If, however, an inquiry were to take place in the manner proposed, he hoped it would not be limited merely to the ability of the Church to provide funds for defraying the amount of Church-rates, but that it would be extended in such a manner as to ascertain whether, independent of such a charge upon its revenues, it did not also possess ample funds that might be appropriated to the moral instruction of the people, and to other useful and necessary national purposes. If the matter were to be referred to a Select Committee at all, why should it not be referred in this manner: to consider of the amount of Church-rate paid by the different properties of Churchmen and Dissenters throughout the country, fixing the amount of Church-rate hereafter to be paid by the former; and as regarded the latter, taking the amount for which they were at present assessed, continuing them liable to the payment of it, but converting it into a fund that should be applied, not to the repair of the Church, but to other useful national objects not connected with the support or maintenance of the Church. Thus he would say to the members of the Established Church, "You who have paid such an amount of Church-rates up to January last, shall have that converted into a fixed charge upon you for the support of your Church;" and to the Dissenters he would say, "Having paid such an amount of Church-rate up to such a period, you shall have that amount converted into a land-tax, to be applied to the purposes of education, or to other useful national objects." The great body of the Dissenters did not object to the amount of the rate; they objected only to the object to which it was applied; and if such a course as that which he supported were adopted, he believed they would all cordially concur in it. For his own part, he did not see why the land, which ought to bear all the primary burthens of the country, whether it were in the hands of Churchmen or Dissenters, should be relieved from the charge of furnishing the country with the means of religious and moral instruction. He regretted, therefore, that the noble Lord did not propose to pursue the course which he (Mr. Harvey) had pointed out. The inquiry would then have had a rational and attainable object in view, and would not have been open to the objections which might now be urged against it. He thought that the Protestant Dissenters had great reason to complain of the low tone of support which they received from the present Government, which was anxious to be regarded as the warmest friend of religious liberty; and also from some Gentlemen in that House who had rather assumed, or had conferred upon them, the high distinction of being the organs of the dissenting body in that House. By the latter it had been repeatedly asserted, that the Dissenters had no objection to the Established Church—on the contrary, were most anxious to support it. If that were correct, how could they object to the payment of Church-rates? The true statement was this: the Dissenters do not object to the amount of the rate; they object only, but object most strongly, to the purpose to which it is applied—a purpose to which they contend they ought not in justice or equity to be called upon to contribute. That was the view which he, as a Dissenter, took of the subject; and although he did not arrogate to himself the title of a Dissenting leader in that House, he believed it was a view in which nine-tenths of the dissenting body concurred. Knowing many of that body, lay as well as spiritual, he should not be doing justice, either to them or to his own feelings, if he were to suffer some of the remarks made on a former occasion to pass without notice. It had been said by some of the Gentlemen opposite that the uneasiness or excitement of the Dissenters upon the subject of Church-rates was merely of modern growth, and that they were constantly seeking; under the name and guise of religion, to advance certain political objects. Against the truth of that assertion he (Mr. Harvey) protested in the strongest manner; and in order that the House might be aware of the real feelings of the dissenters, he would fortify his own remarks by the authority of some of the most eminent divines—men whose names, he believed, would be respected and venerated by every one who heard them mentioned. The hon. Member read extracts from the writings of Robert Hall and others, to show that the Dissenters had long been unanimous in their disapprobation of any Established Church whatever; conceiving it to be inconsistent with the religious liberty for which they contended that any class in any body of men should prescribe rules and forms of worship to be observed by all. It had of late been fashionable to underrate the importance of the Dissenters—their numbers had been doubted, and their wealth disputed. Upon that point he would refer the House to an authority which he thought none would be disposed to dispute or doubt. He held in his hand a Report collected with great care, and sent into the world with the sanction of the leading dissenting divines of this metropolis, in which they enumerated their annual expenditure under four different heads, First, they stated, that for the maintenance of the ministers in all the Protestant dissenting congregations, including the funds given to charities, the amount levied and paid annually was 925,540*l.* That for building, repairing, and enlarging chapels and sunday schools, the purchase of ground, legal expenses, insurances, parochial rates, and various other incidental charges connected with the maintenance of their places of religious worship, they expended little less than one million. They further stated that they subscribed to various local religious and charitable institutions to the amount of 168,240*l.* a year; and that they also subscribed for the theological academies and congregational schools the sum of 30,000*l.* a year, making their annual contributions amount to 2,098,240*l.* beside their liberal contributions to various other societies to which, in common with other classes of persons, they subscribed: He thought after this statement, setting forth an annual expenditure equal to one half of the Ecclesiastical revenues of the country, it was too much to impute to the Dissenters either ignorance or selfish views, or to assert of them that they were insignificant in number, and were not entitled, either by their respectability or wealth, to the kind consideration of the Government and the Legislature. This example on the part of the Dissenters ought not to be lost sight of by the House in considering the question which appeared to be gradually opening upon it, namely, that the Established Church must fall unless it were sustained by compulsory means. Could there be any libel conceived so piercing in its nature as that? That the great body of the people belonging to the Established Church, connected as that Church was with all the ancient institutions of the country, which institutions they considered to be identified with religious observances and religious obligations—even supposing they were animated by no purer motive than the protection of their own interests—should fancy that if that Church were left to its own resources it would sink and crumble into dust, was an imputation which the Dissenters might make, but he owned it was singularly strange to him that any member of the Established Church should say so. It was true the Dissenters disputed the principles upon which the Established Church was founded, and differed widely from it with respect to Church government; but it was equally true that the Dissenters had repelled as often as it had been expressed the imputation that they were aiming at the subversion of the Church with a view to a participation of its resources. He had never heard the Dissenters express any other sentiment than that they wished the Church to remain in the undisputed possession of whatever revenues could be fairly shown to belong to it. All that the Dissenters wished was this, that they might not be compelled by coercive means to contribute to the support of a system from which they conscientiously dissented. It was not of the doctrinal views of the Church that the Dissenters complained, because in the greater part of those doctrines they agreed with the establishment; but they denied the right of the state to impose articles of faith, or in any manner to bind the consciences of men. Entertaining these views, he felt it was his duty to move an amendment upon the noble Lord's motion. He believed it was the intention of the hon. and gallant Member for Lincoln to propose a motion which if it came from the Ministerial side of the House would no doubt be designated as having a revolutionary tendency, namely, that the House should inquire into the nature of all the livings possessed by the House of Bedford. It was well known that that House as well as many others shared very largely in the scramble for Church property at the time of the Reformation and, for his (Mr. Harvey's) part, he should not object to such an inquiry. It was an inquiry which he thought might tend to good. But, as he believed, if it were moved it would not be granted, he was left to propose an amendment of his own, which would be by way of an addition to the motion of the noble Lord. He was led to do so in order to assure the Dissenters that this discussion was not really a delusion; because, as matters were going on at present, the Dissenters did not stand in so favourable a position as that they formerly occupied. Instead of their object being gained, it was removed farther from them, because the noble Lord had said that he would not connect the proposed inquiry with the subject of Church-rates, that subject not being to be considered by the Committee. If it were not a fact always to be recognised that the Government, however it might be composed, was never in the wrong, he should venture to think that no course could be so clumsy as that adopted by the noble Lord on this occasion. By that course the Government were bringing together a greater body of resistance to the abolition of Church-rates than existed at present. If the Ministers had confined their proposition to provide for Church-rates out of the Church property, instead of having the lessees against them they would have had them on their side. The effect of this clumsy substitute now proposed would be to throw this question for years into abeyance. All parties agreed in paying this honourable homage to the principle of dissent, namely, that Church-rates ought to be abolished; but then that measure was now to be deferred until some speculative contingency should be realized. Was this statesmanlike? Was it just to those who sought relief? What he desired, therefore, was to take the sense of the House, in order to ascertain who was sincere in the wish to abolish Church-rates. One party must not run away with a reputation for sincerity at the expense of another. He would try them both. All who were for the abolition of Church-rates instantly, and without reference to any particular mode of substitution, must vote for the amendment he should propose. He wished at all events to let the Dissenters know who were their friends. Let it not be said at the next general election by Gentlemen opposite—"We had no opportunity to show our anxiety to serve the Dissenters; we were turned out so soon that we had hardly time to receive our salaries; but only let us come into office again, and we will give you full testimony of our sincerity" Now he did not mean that those Gentlemen should have the chance of using that language. All parties should know who, in this House, were the friends of the abstract proposition that Church-rates should be abolished. You, Gentlemen on the other side, are for repealing Church-rates, and for a substitute of one kind or other. You, Gentlemen, who are now in the cabinet are also for a repeal of Church-rates, and for a substitute of one kind or other. Here are other Gentlemen who have not made up their minds as to what shall be the substitute; but, at all events, they have made up their minds to this—that Church-rates ought to be abolished. This being the state of things on all sides, I will, without troubling the House any longer, take leave to move, by way of amendment, that there be added to the motion of the noble Lord these words—

" And further, that whatever may be the result of the proposed inquiry, it is the opinion of this House that after a time to be fixed the payment of Church-rates in England and Wales ought wholly to cease."

Colonel *Thompson* said, he rose to second the amendment, among other reasons, for the same that had been given by the mover, because, in spite of many attempts, he had failed in getting an opportunity of expressing his mind before. He thought there had been a succession of mistakes and the first mistake was with the Dissenters, in having said that they resisted church-rates for conscience sake. He believed he could prove to them, that they resisted for a reason much more appropriate to the case. If a Dissenter was stopped on the highway, however much it might be against his conscience to promote the purposes to which the robbers would probably apply his spoil, he would never make the mistake of saying he resisted for conscience-sake, he would say he resisted injustice. Try then, the injustice by taking another instance. Take the circumstances in which our forefathers, who finally obtained the name of Protestants, began to resist the domination of a Church which had previously been universal. If, at that period the demands of justice could have been heard, what would they have been but that our Protestant forefathers should have carried away with them the portion that befell them, of every kind of property the state had set apart for the maintenance of religion? If this could have been done, it would have saved the struggle and the loss which afterwards ensued. Exactly the same was the case of the Dissenters now. He had heard hon. Members opposite call the church-rates a just debt, and stigmatise as dishonest all who ventured to oppose them. He had heard it stated, if he was not mistaken, and he much wanted to ascertain the fact, that he might put it into his museum that the church-rates were paid by everybody, and therefore were paid by nobody. Surely the fact that the value of everybody's property was lessened by them, was not intended to be brought as the evidence that nobody was the loser. How long would such pleas have been admitted by our forefathers? And had the Dissenters no property to be diminished in value by the church-rates? Whole justice to the Dissenters was to give them their portion of the property provided by the community for religious purposes, the tithes included, for maintaining their religious worship; half justice was to give them nothing and leave them to find themselves; whole and complete justice was to take money and leave them to find themselves besides. The Dissenters knew all this, as well as anybody else; and it was this injustice they came, or ought to come to complain of, and not the violation of their consciences, which was, in fact, non-existent when their money was taken away from them by force. Another party who were under a great mistake, were the Government, if they thought that they were ever to prosper by thus bringing forward the wrong reason instead of the right; and he hoped it would not be long before both parties would present themselves with a claim more likely to get beyond the majorities of five, or six either, as had been the fate of the last.

Viscount *Howick* said, he should undoubtedly oppose the amendment proposed by the hon. and learned Member for Southwark. He should do so, because he had never professed a wish to abolish church-rates unless an efficient substitute could be found for them; and he further did so, because it appeared to him that although he believed that this Committee by showing to the House that such a substitute might fairly and legitimately be provided, would remove a great difficulty in the way of the future abolition of those rates, still in the appointment of the Committee they ought to keep perfectly distinct all consideration of the purposes to which any fund that might arise from any measure that should be adopted, in consequence of the inquiry now proposed might hereafter be applied. For the same reason, he should also oppose the amendment which the right hon. Gentleman, the Member for the University of Cambridge, in the event of the original proposition being carried, intended afterwards to submit to the House. He thought the appointment of the Committee was desirable, in order to satisfy the public, and satisfy the minds of hon. Members of this House of the propriety and expediency of adopting an improved system of management of church property, whereby a surplus fund might possibly be realised. But he entirely concurred with his noble Friend, that to a Committee of this description the important question of the application of any fund so realised ought not to be confided. Whatever might be the object connected with the interest of the Church, to which the money thus realised might be applied, it must be obvious, that an improvement in the system of management of church property, would be in itself an object, of the very greatest importance. He should confine the few observations which he proposed to make, strictly to that point, and to the question whether the proposed inquiry was or was not expedient. The right hon. Gentleman opposite had intimated his dissent, and said, that if the Committee should recommend a measure of the description already proposed by the Government, the inquiry would be wholly unnecessary, because it was the duty of the Government to press that measure upon their own responsibility. He entirely agreed with the right hon. Gentleman that it was the duty of the Government to propose on its own responsibility the course which, upon a great subject of this kind, the Committee might recommend to the House and the country; but the Government having already brought forward their measure—having stated what their views were upon this great subject, and having failed in accomplishing their object—when they were told, as they had been by the hon. Member for Bassetlaw, that there prevailed very great ignorance on the subject, and that doubts were entertained as to the practicability of many parts of their scheme, it was perfectly consistent with their taking upon themselves the responsibility of such a measure that they should submit it in all its details to a Committee of this House. His firm conviction was, that when the Committee should examine into the details of this question, and see the condition of the property of the Church, the necessity of an improved system of management, and the advantages both for the Church and the lessees which could be derived from an improved system—he believed that when the facts were brought before the public the Government would be enabled by public opinion to carry that question which had, at present, met with an unfriendly reception. The right hon. Gentleman had also said, that even if they were to have an inquiry, the inquiry ought to be made by the church commissioners; and the hon. Member for Bassetlaw had repeated that opinion. He entirely differed from those Gentlemen. Even if the members of the Church Commission who were not connected with the Government, had refrained from expressing any adverse opinion from that which the Government entertained on this point, still he thought. that that body was not so well calculated as a Committee of this House to obtain those ends which were proposed to be effected by the inquiry. He did not think that an inquiry before a Commission, which must necessarily be a private inquiry, and which therefore could not lead to the same canvassing of opinions that took place in a Committee of the House, would have the same effect which was anticipated from an inquiry before a Committee of this House, in bringing public attention to the real facts and arguments alleged in support of the measure proposed by his Majesty's Government. But, more than that, it appeared, that upon the terms on which that Commission was appointed, the duties of those Commissioners were much more properly confined to an inquiry into the best mode of distributing the existing revenues of the Church, and of providing for the duties to be discharged by the clergy, rather than taking a review of the mode of managing the Church property. The former branch of the inquiry necessarily required the advice and assistance of the ecclesiastical Commissioners; but with respect to those details relating to the management of the property, he thought that the opinions of others would be fullyas good, and in manyrespects, indeed, were to be preferred. Those were subjects which could not so properly be submitted to the investigation of the ecclesiastical authorities as to others. But even if he had no doubt upon the question as to which would be the best and most expedient method of instituting this inquiry the Church Commissioners themselves had removed all that doubt from his mind; because they had distinctly objected to the plan proposed by his noble Friend, on two grounds:—First, on account of the application which was contemplated to be made of the surplus revenue to be derived by the operation of the measure which was intended to be brought forward;—and they objected to it in the second place, and put forward that objection distinctly in a statement made to the other House of Parliament, and alsoin other documents, on this ground, that they were not prepared to consent to any measure by which the control of their property was to be removed out of the hands of the individual dignitaries of the Church. In the first place, then, he would say that his Majesty's Ministers could not be fairly called upon, in instituting this inquiry, to pledge themselves against that contemplated appropriation of a surplus. He was perfectly willing—and his noble Friend had adopted that course—that the question, "To what purpose that surplus can be applied with most advantage to the Church itself?" should be left out of view until they had certain proof of a surplus; but he was not prepared to pledge himself, and he for one should undoubtedly resist pledging himself against that particular mode of applying that surplus fund, a mode which he firmly believed would eventually turn out to be better calculated to promote the true interests of the Church and of religion than any other mode of application that could be suggested. But the second objection taken by the Church Commissioners, and which he had already mentioned, was still more decisive, against applying to them for their assistance upon this subject, because the very essence of the plan proposed by his noble Friend — the very essence, he believed, of any plan by which the property of the Church could be really improved, consisted in taking the management of that property out of the hands of those who had only a temporary and fleeting interest in what was derived from it, and putting it into the hands of those who would look only to its permanent productiveness, and to the amount which for a long series of years might result from it. If the House were to lay down as a principle, that they were not under any circumstances to deprive the individual dignitaries of the Church, of the management of the property which they now held, he would say, it was utterly impossible they could effectually improve the administration of that property. And why did he say this? Let them look at the progress of past legislation upon this subject. First, the property was committed, with little discretion, to the person who held the dignity to which it was attached. Then it was found necessary to prevent the abuses which inevitably arose from that system, and to restrain the persons holding the property from creating any interest in that property, longer than that which they themselves possessed. Having done that, the legislature soon found, that by so restraining them, they were unable to let that property upon advantageous terms. They could only grant leases limited to the extent of their own lives, so that they could not let it to any person who would endeavour to improve it. The consequence of that was, that the Legislature were obliged again to alter the powers of the parties, and to enable them to grant leases for the term of twenty-one years, or for three lives. The first objection which the right hon. Gentleman had urged was, as to the enormous extent of the inquiry, for the right hon. Gentleman seemed to conceive that the Committee would be forced to go into the details of the case of each individual estate belonging to every bishop or dean and chapter, and that, consequently, the inquiry would be interminable. He by no means concurred in this apprehension. The right hon. Gentleman, too, was apprehensive lest the lessees should refuse to renew, and the owners of the property be thus injured. He could not help thinking, that here again the right hon. Gentleman had fallen into a great mistake. He believed, that the tendency would be, not so much to avoid renewals as to hurry them on, pending the inquiry. The difficulties which the lessees must all, to some degree, be subjected to during the period of doubt, rendered it essential that that period should be made as short as possible. But this, instead of being an argument against the Committee, was an argument in its favour, because, by means of that Committee, the inquiry which it would institute, afforded a prospect of arriving at a speedy settlement of this great question. Further, the right hon. Gentleman had argued as if, in what fell from the noble Lord respecting the manner in which private Acts had been obtained bearing upon Church-property, there was conveyed an intention of looking into these Acts with a view of setting aside any titles created in them. Nothing was more foreign from the intention of the noble Lord than such a proposition. It was, indeed, quite right—it was, in fact, essential—that the Committee should have before it some of the facts as to the mode in which these private Acts had been obtained, because the examples of what had taken place in times past in this respect would the more strongly impress upon the House, and upon the public, the necessity of taking some security which did not now exist against the future similar waste of Church property. It was notorious to every one who had looked into the subject, how little check there at present was to acts of this description. It was well understood that hitherto, in almost every instance, no one but the parties immediately interested in the transaction, knew anything about what was proposed in these Acts, till they were passed; and the consequence was, that the Church had, of late years, been by this means deprived of much property which it ought to have continued in possession of. He was aware, that this subject had already been very often discussed; and he would not, therefore, take up the time of the House longer than he could possibly help. But he really must say a few words as to the necessity which existed of effecting that improvement which the right hon. Gentleman himself had not denied to be desirable, and which, in his (Lord Howick's) opinion, could only be attained by means of the proposed inquiry. It was desirable, in the first place, for the purpose of giving to Church property that security which it did not possess. Hon. Gentlemen opposite, who were always so much interested in preventing the Church from suffering any loss, might still not be aware to what an enormous extent the waste of Church property was at this moment carrying on. He would state to the House one instance, among many he was acquainted with, to show in what manner the property which ought to be realised for the benefit of the Church, was at this moment wasted. There was a particular lease of property belonging to the Dean and Chapter of Durham, which consisted for the most part of coal-mines. That property was leased to the Marquess of Londonderry, and, since the year 1819, his Lordship had paid in fines for renewals of the lease a sum exceeding 100,000*l.* The fine for a renewal made in 1834, was alone not less than 40,000*l.* At least seven-eighths of this sum were derived from a lease of coal property, a property which, it was obvious, when once worked out, was for ever gone. The surface property of this estate was exceedingly limited in value. The effect of the system which had hitherto been pursued, therefore, was, that this large capital, instead of being vested in the funds for the benefit of the Church at large, whose property it really was, had been shared among the members of a particular corporation; and thus, under the existing system, the Church had lost, in all time to come, an income of at least 3,000*l.* or 4,000*l.* a-year. This abuse it was utterly impossible to guard against, except by placing that species of property in the hands of some party having no interest in the immediate amount received. He had intended to have gone into some other points, but he would not trespass upon the impatience so generally manifested by the House. He would merely repeat his conviction that it was for the interest of the Church itself that the system of managing this property should be entirely altered, and that he saw no mode of effecting this improvement, except by appointing the proposed Committee.

Sir *Robert Peel* was in no way surprised at the impatience exhibited by the House, considering that the subject had already been debated for five nights. In the few observations he begged to be allowed to make, he should strictly confine himself to the immediate point before them, namely, whether it was fitting that a select Committee should be appointed to consider this question. He well knew how plausible a proposition the appointment of a select Committee was. He knew well that if he had merely some political object in view, it would be much better to acquiesce in the proposal. He was aware that many persons, seeing how their property was situated, in consequence of the ministerial proposition on Church-rates, whatever their original objections to the appointment of a Committee, were now almost ready to assent to it, as offering them a means of putting an end to their embarrassments. But he considered the proposition so objectionable—as involving so bad a precedent—that, whatever the decision might be, he for one was determined not to acquiesce in the proposal to appoint a select Committee to perform the duties of the Executive Government. This would be a precedent which Government might be very glad to avail itself of whenever it became desirable to escape out of a political dilemma. The subject had undergone a more close discussion than any other this Session; greater numbers had divided on it; in the second instance, the division was entirely on the principle of the measure, it was a division on no question of detail, but turned simply on this point, whether or no, assuming that there was any available surplus, that surplus should be applied as a substitute for Church-rates, or to purposes immediately connected with the diffusion of religious instruction. On this great principle Ministers had a majority of five. Why, then, did not Ministers proceed with the measure; But no? they would neither do this, nor let it alone for this Sesssion, but now, for the first time, suggested the reference of this important question to a select Committee of its own nomination. This was a precedent, which at any time, and under any circumstances, might be adopted, if it were allowed to become a precedent at all. It would always be a very easy thing for Government, when it despaired of carrying a measure in the usual way, and when it had not the manliness either to persevere in it in the ordinary mode, or give it up at once, to get out of the dilemma for the time by a proposition like this. The proposal, was, in fact, neither more nor less than the appointment of an ecclesiastical cabinet, not by the country, but by the House of Commons, for the purpose of relieving the executive Government from all further responsibility and trouble. He hoped they would take care not to have too numerous a cabinet. An hon. Gentleman had desired to have the names of the new cabinet stated to the House. He would not go so far as that, but he thou ht it would be desirable to have the name of its chairman mentioned. The simple course then would be, for the new premier to appoint his colleagues himself, for it was of great importance to secure unanimity of opinion in the new cabinet. A conflict of opinions among its members would obviously destroy all the good effects anticipated. Of course the question would not, like the ballot, be left an open one, and yet no other course was practicable if a conflict of opinions was admitted into this new cabinet, by the selection of its members from the opposing sides of the House. The noble Lord said, he did not want the Committee to decide on any great principle, but such was, notwithstanding the case. By the express terms of the reference proposed to be made to it, it was called on to consider a great principle. The Committee was called on to decide on the amount of any increased value which might be obtained from this property by an improved management, and with a due consideration of the interests of the Established Church, and of the present lessees of the property. The consideration of these interests was the proper subject for Government alone to take up, but these two great questions were committed to the proposed Committee. The noble Lord might talk of Government retaining its responsibility, but the clear fact was, not only that it devolved on this Committee a duty properly its own, but that it precluded itself from offering any advice to the Crown on Church affairs so long as the Committee existed; and what limit was put to the duration of this Committee? The Committee had not to inquire into the existing mode of granting and renewing leases. On this point there was already ample information, but it would have to determine what instances of abuse existed under private Bills, and when this part of its duty was discharged, it would have to consider the other and much more important matter, namely, what was the probable amount of the increased value of this property under improved management, and with a due consideration of the interests of the Established Church and of existing lessees. To ascertain this point, it would be essential to institute local inquiries all over the country, and for the Committee to perform their duty honestly and fully, this part of their labours must necessarily be greatly protracted. Assuming, for the sake of argument, that further inquiries were necessary, these inquiries, in his opinion, might be conducted with infinitely greater effect by the Executive Government, which had the means of commanding better information than any Committee of that House. In the case of the Municipal Corporation inquiry the inquiry was first intrusted to a Select Committee of the House; but the delays and difficulties which took place in consequence of the local nature of the whole of the investigation very speedily convinced the Committee of its insufficiency to fulfil the object; and on the recommendation of the Committee its duties were transferred to a commission. He remembered, too, that when the right hon. Member for Bute, about this period of the year, made a proposition that a Committee should be appointed to inquire into the state of religious instruction in Scotland, he was told by Government that no progress could be made in such an inquiry by a Committee; that the inquiry, being necessarily local, could be conducted with much greater effect by a commission; and so a Committee was refused. If the Committee now proposed were granted the only thing would be that after sitting some time, the executive Government would find it necessary to appoint a commission, and until the report of this commission everything in connexion with Church-rates must be kept in suspense. How, therefore, those gentlemen who considered the speedy settlement of this question indispensable could on this 12th of June consent to the appointment of this Committee he was quite at a loss to understand. Had Ministers openly stated that on account of the smallness of their majority on this question they would not persevere in it this session, but, adhering to its principle, sought further information on points not considered sufficiently clear, with a view of reviving the bill next year, such a course would have been perfectly intelligible. He further objected to the appointment of this committee because he considered that, after what had past in reference to the ecclesiastical commission, such a proceeding would be tantamount to a breach of faith. He did not think that commission ought to have been renewed without government having distinctly apprised them that it contemplated the finding a substitute for Church-rates in an improved management of Church property. That Commission was appointed by his recommendation, and on Lord Melbourne's accession to office was renewed, the original Members of it who held office then resigning their situations, and persons holding office under the new Government were appointed in their stead. The ecclesiastical Members of that commission had subjected themselves to much misconstruction and obloquy from the Church for at all acquiescing in the Commission, but an overwhelming sense of duty, and a sense that the real interests of the Church were involved, induced them to lend their aid to the work. They proposed the division of the country into new Episcopal districts. This measure reduced the incomes of some Bishops and transferred the property annexed to some sees to supply the deficiency of others. The noble Lord, when he introduced the Bill for affecting that object, said that no measure of Church reform would be satisfactory unless it was previously approved of by the heads of the Church. The noble Lord on that occasion dwelt with evident satisfaction on the friendly agreement of the bishops in his plan. The noble Lord had stated that if they disapproved of the present plan they ought never to have agreed to the slightest innovation. The noble Lord came forward and declared that, after assenting to the Bill of last year, they must consent to this measure divesting the Church of its property. The noble Lord said if they remained as before, and resisted all reform, the Bishops might have retained possession of all their property, and he could understand the principle on which they resisted; but having consented to the measure of last year, they must consent to the present plan involving a total alienation of their property. What motive was this to them to go on with the reform in the Church which they had commenced. The Bishops were told, that if they consented to assist in the work of reform, a virtual obligation would be contracted with them that they should be protected from other measures; but the year afterwards the noble Lord proposed a measure which was dangerous to the interest of the Church; and he said they must consent to this plan because they had agreed to the reforms which he proposed last year, and which he said he now wished to extend by making the Bishops stipendiaries. The noble Lord then said "With respect to an Archbishop or Bishop, he was placed, according to the constitution of the Church—and that constitution he did not wish to alter—among persons having a large revenue derived from the property of the country. He was placed in a certain house which required a certain establishment to be maintained, and that there should be observed certain duties of hospitality; he was placed in a situation in which even more was required from him than from men of the highest rank and great landed property on account of charity, a large expense being incurred. In all these respects his situation was totally different from that of a Chief Justice of the King's Bench, or a First Lord of the Treasury, who received an official salary, out of which he paid the expenses consequent on the performance of the duties of his office, and nothing else." This was avowed by the noble Lord when he brought forward his measure of Church reform last year, which he stated he considered a most useful measure of practical reform, and pre-eminently so because it had the sanction of the Bishops. In 1837, however, the noble Lord proposed a plan not only at variance with their opinions and wishes, but which would, in operation, make the Bishops merely stipendiaries. On these grounds, namely, by the appointment of the Ecclesiastical Commission, by the course of proceedings adopted by the Commissioners, by the obligations which the Government had contracted towards that Commission he objected to transferring the consideration of this question from the executive Government to a Committee of the House of Commons. If the noble Lord had told the Bishops that the consequence of their consenting to the Commission and the bills of last year would be that he would plead their acquiescence as an argument for the measure on Church-rates, which they considered destructive to their order, and to the interests and stability of the Church, he never could have extorted from them the first step to reform the Church. If the noble Lord had told the bishops that he intended to propose that a Committee of the House of Commons should be nominated for the revision of the mode of granting leases of Church property, and for the revision of the whole mode of management, with a view of obtaining a surplus to be directed to other than strictly ecclesiastical purposes, he would never have obtained their consent to the measures he had introduced. It was possible that some hon. Members—but he did not believe that there were many, seeing the dangerous position in which Church property was placed—might be led to agree to the motion in the belief that a better distribution and management of that property might be effected. He could not, however, yield up his strong objections to the nomination of this Committee; he would rather, after what had passed, that the Ecclesiastical Commissioners had not been appointed, foreseeing the effect that their objections to this plan must have in obstructing the course of reform in the Church. He would rather be in a minority of ten on this question than agree to any course of proceeding like the present; but he trusted that by the vote of the House that night they would escape the inconvenience which would arise from adopting the motion. To agree to this motion, it was evident that Gentlemen must have more confidence in the Committee of that House than in his Majesty's Government, supposing that the House should agree to the appointment of the Committee. He hoped some Gentlemen in favour of the appointment of the Committee would state their views in favour of the appointment with clearness and distinctness. He hoped that the lessees would see the advantage which were likely to result to them from the appointment of this Committee, if they went into the Committee, however, the noble Lord would do so with the view of supporting a foregone conclusion. It was absolutely necessary that they should find that there was a surplus of 250,000*l.* If they could not supply this 250,000*l.* by this means, then there was an end of their present measure of Church-rates. If there was only a surplus of 100,000*l.* they must obtain the remainder from some other source—they must trespass on some other fund, and thus they must touch the principle which the noble Lord said he could not agree to. If they obtained only an indefinite surplus for instance 10,000*l.* or 100,000*l.* or 150,000*l.*, or other sum, the question would still be left open for farther consideration. After having occupied the House at such length he would not enter into the discussion of the principle of the plan, for that had already occupied the attention of the House for five nights; he repeated, however, he opposed the appointment of the Committee because it would lead to unnecessary delay, because the duties which were to be referred to the Select Committee of that House proposed to be appointed belonged to the executive Government, and, above all, since the Ecclesiastical Commission had been appointed there was no ground for the appointment of this Committee.

The *Chancellor of the Exchequer* said, that he would at once apply himself to the argument of the right hon. Gentleman as to whether or not this was a proper case for the appointment of a Select Committee of that House. He had no doubt as to his being able to make out a sufficient case for inquiry before the Committee; for if one case more than another, by reason of the object in view, called for the legitimate proposition of a Select Committee, this was that case, and this indeed was the only obvious and clear mode of proceeding. He trusted, however, before he proceeded farther, that he might congratulate the right hon. Baronet on the new light opened on him as to the appointment of Select Committees. The right hon. Gentleman said, that the appointment of a Select Committee was to take from the Executive Government the responsibility they ought to incur. He rejoiced that the expressions and arguments of the right hon. Gentleman were affirmed by hon. Members opposite, as he had no doubt he should be able to induce them to change their opinion on the subject. The proposition that night made was, that the whole subject should be referred to a Select Committee. The right hon. Gentleman said, that this was shifting the responsibility from the Executive Government to a Select Committee. It happened while he sat on the other side of the House, during the period of the Government of the Earl of Liverpool, that one of the most difficult of all questions—a question most peculiarly incumbent on the Government to take up and act upon —was referred to a Select Committee. What he alluded to was, the referring the whole state of Ireland to a Select Committee, and the right hon. Gentleman and himself were Members of that Committee. If there was any thing in the argument of the right hon. Gentleman of shifting responsibility, was there not a difference between referring a matter involving calculations of figures to a Committee, and a question as to the mode of governing a country? He did not hesitate to say, that it was improper to refer the question of the Government of a country to a Select Committee which was done by an administration of which the right hon. Baronet was a Member; and this was a very different thing from sending to them a disputed matter of calculation; and notwithstanding this, the right hon. Baronet comes forward and reproves the present Government for doing so in the latter instance. As far back also as 1816, where certainly they would not look for any measure revolutionary in principle, the subject of English tithes was referred to a Committee with a view of inquiring as to the mode in which they were levied, and whether an improvement might not be effected to the benefit of the landlord as well as the clergyman. This proposition was brought forward at a period of very great agricultural distress, when it did not suit the Government to meet the views of their agricultural friends, and therefore, it was thought proper to refer this question of English tithes to a Committee up stairs. The right hon. Gentleman was a member of that Government as well as of the Committee. He also found on it the names of Sir William Scott and Sir John Nicholl, who was chairman. The right hon. Gentleman took part in the debate on the appointment of the Committee; and so far from thinking the appointment of the committee improper, he, then Secretary for Ireland, expressed his anxiety that the subject of tithes in Ireland should be made a matter of inquiry before the Committee; and in consequence of this the motion was amended to meet the right hon. Gentleman's views. Again, in 1828, when the right hon. Gentleman was a member of the Government, the great interests of a colony were referred to a Select Committee. Mr. Huskisson proposed the appointment of the Committee, and the right hon. Gentleman would not say, that Mr. Huskisson was a man who would shrink from responsibility. He thought that he had given sufficient instances to show that by moving for a committee it was not intended to save the Government from any share of responsibility. If, however, there had been no precedent, if there never had been a Select Committee of the kind appointed, the present would have been sufficient to justify them in taking such a step. For his own part, as the proposer of the measure on church-rates he did not shrink from any share of responsibility. He did not feel inclined to abandon it, because he knew, that sooner or later this question would be carried. He knew that bringing forward the Government measure on this subject had done more to set at rest this long-agitated question than could have been expected, and that it would take more effectual hold of the public mind the more thoroughly it was investigated and understood. The right hon. Gentleman must excuse him for saying that the bait he threw out for the Dissenters in 1835, by saying that he was disposed to remove the payment of Church-rates from them by transferring it to a public fund, was any thing but satisfactory; but the Government now proposed to deal with the question on a higher principle. The principle of their plan was this — that while they gave greater security for maintaining the fabric of the Church than at present existed, they would do full justice to the feelings of the Dissenters. It had been said that they could not proceed without injury to the lessees. If that were the case the best mode of ascertaining that point and preventing the evil was by investigating the matter before a Commission. A number of arguments had been raised against the financial details of the plan. The best mode of seeing whether the hon. Gentleman opposite or himself were right was to adopt the present proposition. Because they wished to have a full inquiry into the whole subject, were they to be taunted with wishing to throw from themselves the responsibility of the measure. The right hon. Gentleman said that the plan was taken from the executive, and transferred to a new cabinet in the shape of a Committee of the House of Commons; and that, if fairly appointed, there must be a great difference of opinion on it. They had had experience before of the evils of divided cabinets; and he thought in that instance they might well profit by the wisdom of their ancestors; for they knew by experience, that when a cabinet was divided on the principle of a matter of great importance, it led to the greatest inconvenience. He could not help feeling that, to say the least of it, there was great awkwardness in a Home Secretary sitting in the same cabinet next a Foreign Secretary of opposite principles to himself;—one thinking that the destruction of the country was involved in the principles advocated by his colleague, while that colleague deemed the carrying out these principles essential to the welfare of the country. The remark came well from the right hon. Gentleman, but they had taken warning from their predecessors. He would take care to avoid such inconveniences. The object stated in the resolution was to inquire into the mode of granting leases of bishops' lands, and the lands of ecclesiastical bodies, and with the probable amount of any increased value which might be obtained by an improved management, with a due consideration of the interests of the Established Church, and of the present lessees of such property. The right hon. Gentleman complained of the latter part of the resolution. Now, if the words were not there, he would have retorted in an indignant tone of language that no allusion was made to the interests of the establishment. The right hon. Gentleman said, that regard to the interests of the lessees was a good objection to the measure, but it had never been brought forward but with a due regard to the interests of the church as well as the interests of the lessees; and if he had not regarded those interests he should have hesitated to ask for the support of the House, and he was sure that he should not have obtained the support of many of the Gentlemen around him. The right hon. Gentleman had alluded to making the bishops stipendiaries. At present, however, several of the bishops were stipendiaries, not to the receipt, but to the payment of money. The right hon. Gentleman, however, seemed to object to the word stipendiary. If he looked to a high authority on the subject, namely Johnson's dictionary, he would find among the meanings of the word, some in connection with the church, and not one interpretation was used in a bad or invidious sense. The right hon. Gentleman said, that he objected to the appointment of the Committee on the terms in which it had been moved, because they proposed to appoint a Committee to inquire into a foregone conclusion—he should protest against the appointment of a Committee for this purpose. If they wished to come to the conclusion that they would devote the whole of the surplus to the purposes of the Church, this would be a foregone conclusion; but they might inquire whether by better arrangement a surplus might not arise, which, if it should be found to be the case, they would have to deal with hereafter. Those who thought that the present system was perfect as it stood he was not entitled to ask for their votes. He had no doubt that he could show them that a large increase would accrue from this source, and this he should be able to prove from what had taken place in the lands belonging to a single chapter. He referred to the Chapter of St. Paul's, and also to the Stalls of the Moor, Finsbury, and Tottenhall. But because he asked Gentlemen to vote for the Committee, he did not ask them to declare that any surplus that might arise should be appropriated in lieu of Church-rates. All that he then asked for was inquiry. He contended the proposed plan was just for the interest of the Church, and for the interest of the lessees, and so far from shrinking from inquiry, he was anxious that there should be the most searching investigation. He had brought forward the subject in good faith, and he asked for inquiry to prove to the world at large that the plan would bear examination, and that any surplus, that might accrue could be dealt with hereafter as the House pleased. He would not occupy the time of the House at greater length, but he would add, if a Select Committee was necessary in a case of this kind, they had the authority of the right hon. Baronet and those hon. Gentlemen who voted with him in support of that opinion. Those who looked to a different appropriation of the surplus to what he did might also on principle support the motion.

The House divided on Mr. Harvey's Amendment:—Ayes 58; Noes 489: Majority against the Amendment 431.

Mr. *Goulburn* wished that the debate might be adjourned upon the Amendment he had to propose.

Lord *John Russell* was anxious that the debate should be concluded that night. He thought that the course adopted by the right hon. Gentleman, in proposing a further amendment, appeared to him to be extraordinary. The question on which they were then dividing was, whether a Select Committee should be appointed; and the right hon. Gentleman proposed beyond that question likewise, a motion to conclude the House to this—that any revenues which might be derived from an improved management of Church property should be applied to a particular purpose. The proper time to make such a mtio n was, when his right hon. Friend had positively affirmed what would be the effect of an improved management of Church property, and the manner in which it ought to be dealt with. But when the question was before the House, and that an amendment had been moved for a different appropriation by the hon. Member for St. Andrew's, the right hon. Gentleman opposite, and those who supported him, refused to accede to that resolution. The question that was now to be disposed of was, not the absolute application of revenues, but for a Committee to examine as to the sources from which funds might be derived. The proper opportunity for the amendment of the right hon. Gentleman was when the funds were to be disposed of. He thought the amendment ought most properly to follow the resolution of his right hon. Friend; but it was a singular, and, he thought, an inappropriate course to pursue on the present occasion.

Mr. *Goulburn* said, that after what had fallen from the noble Lord, he took it for granted that the House was prepared to come to an opinion upon both questions. Whether the course he had taken upon the present occasion was inappropriate, appeared to him to be a question on which he, perhaps, was as well qualified to judge as the noble Lord. He could only say, that it appeared to him to be essentially necessary, on entering into the inquiry for the purpose of discovering whether they could have a surplus revenue out of the management of Church lands, that they should lay clearly down beforehand, that that inquiry should be with a view of applying that surplus, if a surplus were found, to remedy the evils felt from the want of religious instruction, from there not being a sufficient number of pastors of the Established Church. He would only add, that he did not desire to continue the debate. The words of his Amendment were taken from the second Report of the Commissioners, to which the signature of the noble Lord, and his right hon. Friend were to be found. The House divided on the original Motion.—Ayes 319; Noes 236: Majority 86.

A division then took place on Mr. Goulburn's Amendment, to add the following words, "with the view of applying such amount to the gradual diminution of the evils which flow from the deficiency in the means of religious instruction and pastoral superintendance by ministers of the Established Church."—Ayes 265; Noes 291: Majority 26.

Original motion agreed to; the Committee which was not nominated; to consist of twenty-one Members.

LISTS.

The Ayes on Mr. Harvey's Amendment:—

Aglionby, H. A.
Beauclerk, Major
Blake, Martin Jos.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Codrington, Admiral
Collins, W.
Crawford, W. S.
Crawley, S.
Denistoun, A.
Divett, E.
Duncombe, T.
Dundas, hon. J C.
Dundas, J. D.
Elphinstone, H.
Evans, G.
Fielden, J.
Fenton, J.
Gaskell, Daniel
Gillon, W. D.
Grattan, H.
Grote, G.
Gully, John
Hawes, B.
Hector, C. J.
Hindley, C.
Holland, E.
Humphery, J.
Lister, E. C.
Lushington, Charles
Marsland, Henry
Molesworth, Sir W.
O'Brien, C.
Ord, W.
O'Conor, Don
Pease, J.
Potter, R.
Rippon, C.
Roche, William
Roebuck, J. A.
Ruthven, E.
Scholefield, J.
Smith, B.
Strickland, Sir G.
Tooke, W.
Trelawney, Sir W.
Vigors, N. A.
Wakley, T.
Wallace, Robert
Wemyss, Captain
Williams, W.
Williams, Sir J.
Wood, Mr. Alderman
Wyse, T.

TELLERS,
Harvey, D. W.
Thompson, Col.

It will suffice to give the list of the

Ayes and the Noes on Lord John Russell's original motion. We have taken means to enable the reader to ascertain who voted on Mr. Goulburn's Amendment, the third division, without repeating all the names. Those Members with * prefixed, voted with the "Ayes" on the third division, and those with a † prefixed, were absent on the third division. The following, who were absent on the second division, voted against Mr. Goulburn's Amendment on the third division:—Mr. E. T. Bainbridge, Mr. J. Fielden, and Mr. R. Wason.

The Ayes *on the Original Motion.*

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
*Agnew, Sir A.
Ainsworth, P.
Alston, Rowland
Andover, Viscount
*Angerstein, John
Anson, Colonel
Anson, Sir George
Astley, Sir Jacob, bt.
Attwood, T.
Bagshaw, John
Baines, E.
Ball, N.
Bannerman, Alex.
Barclay, David
Baring, F. T.
*Baring, T.
Barnard, E. G.
Barron, H.
Barry, G. S.
Beauclerk, Major
Belfast, Earl of
Bennett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C. C.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, T.
Blake, M. J.
Blunt, Sir C.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
*Brownrigg, S.
Buller, Charles
Buller, E.
Bulwer, H. L.
Burton, Henry
*Buxton, F.
Byng, George
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carter, B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chetwynd, Captain
Childers, J. W.
Churchill, Lord C.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, Edward Bolton
Codrington, Sir E.
*Colborne, N. W. R.
Collier, John
Collins, W.
Conyngham, Lord A.
*Coote, Sir C.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, Samuel
Curteis, Herbert
Curteis, Edward B.
Dalmeny, Lord
Denison, W. J.
Denison, John E.
Denistoun, Alex.
Denistoun, John
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Dobbin, Leonard
Donkin, Sir R. S.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, Colonel
Ellice, right hon. E.
Ellice, E.
Elphinstone, H.
Etwall, R.
Euston, Earl of
Evans, G.
Fazakerley, J. N.
Fellowes, N.
Fenton, John
Fergus, J.
Ferguson, Sir R.
Ferguson, Robert
Fergusson, R. C.
Finn, W. F.
Fitzroy, Lord C.
Fitzsimon, C.
Fleetwood, Peter H.
Folkes, Sir W.
Fort, John
Gaskell, Daniel
Gillon, W. D.
Gordon, R.
*Goring, H. D.
Grattan, J.
Grattan, Henry
Grey, Sir G.
Grey, hon. Charles
Grote, G.
Guest, J.
Gully, John
Hallyburton, Lord D.
Handley, Henry.
Harland, Wm. Charles
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L., bart.
Heathcoat, J.
*Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heron, Sir R., Bart.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Holland, E.
Horsman, E,
Hoskins, K.
Howard, Philip Henry
Howard, R.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, William
James, William
Jephson, C. D. O.
Jervis, John
*Ingham, R.
*Johnstone, Sir J.
*Johnstone, J. J. H.
*Johnston, A.
King, Edward B.
Knight, H. G.
Labouchere, H.
Lambton, Hedworth
Langton, Wm. Gore
*Lawson, Andrew
Lee, John Lee
Lefevre, Charles S.
*Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
*Lennox, Lord A.
*Lewis, David
Lister, E. C.
Loch, James
*Long, Walter
Lushington, Dr. S.
Lushington, Charles
Lynch, A. H.
Macleod, R.
Mactaggart, J.
Maher, John
Mangles, J.
Marshall, William
Marsland, Henry
Martin, T.
Maule, hon. F.
Melgund, Viscount
Methuen, P.
Molesworth, Sir W.
Moreton, A.
Morpeth, Viscount
Mostyn, hon. E.
Mullins, F. W.
Murray, right hon. J.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Conor, Don
O'Ferral, R. M.
Oliphant, L.
Ord, W. H.
Paget, Frederick
Palmer, General
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
*Parry, Sir L. P. J.
Pattison, James
Pease, J.
Pechell, Captain
Pendarves, E. W.
Philips, G. R.
Pinney, William
Ponsonby, W.
Ponsonby, hon. J.
Potter, R.
Poulter, John Sayer
Power, James
Power, John
Poyntz, W. Stephen
Price, Sir Robert
Pryme, George
*Pusey, P.
Ramsbottom, John
Rice, right hon. T. S.

Rippon, Cuthbert
Robarts, A. W.
Robinson, G. R.
Roche, William
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, John
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
†Scholefield, Joshua
†Scott, J. W.
*Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Simeon, Sir R. G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Speirs, Alexander
*Spry, Sir S.
Stanley, W. O.
Stewart, P. M.
*Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, Edward
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thompson, C. P.
Thompson, Paul B.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
†Townley, R. G.
Tracy, C. H.
Trelawney, Sir W. L.
Troubridge, Sir, T.
Tulk, C. A.
Turner, William
Tynte, C. J. K.
*Verney, Sir H., bart.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker C. A.
Walker, R.
*Wall, C. B.
Wallace, R.
Warburton, H.
Ward, Henry George
Wemyss, Captain
Westenra, H. R.
Westenra, J. C.
Whalley, Sir S.
Wigney, Isaac N.
Wilbraham, G.
Wilde, Sergeant
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
*Wilmot, Sir J. E.
*Wilson, H.
Winnington, H. J.
Wood, Charles
Wood, Alderman
Woulfe, Sergeant
Wrightson, W.
Wrottesley, Sir J.
Wyse, Thomas
*Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Alford, Viscount
Alsager, Capt.
Arburthnott, hon. H.
Archdall, M.
Ashley, Viscount
Ashley, hon. H.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, C.
Baring, Francis
Baring, H. Bingham
Baring, W. B.
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J. P.
Blackburne, John I.
Blackstone, W. S.
Boldero, Henry G.
Bolling, Wm.
Bonham, R. F.
Borthwick, P.
Bradshaw, James
Bramston, T. W.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, F.
Buller, Sir J. B. Yarde
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Colonel
Chapman, Aaron
Chichester, A.
Chisholm, A.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. C.
Conolly, E. M.
Copeland, W. T.
Corbett, T.
Corry, H.
Crewe, Sir G., bart.
Cripps, J.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Dick, Q.
Dottin, Abel Rous
Dowdeswell, William
Duffield, Thomas
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Lord Francis
Elley, Sir J.
Elwes, J.
Estcourt, T. G.
Estcourt, T. H.
Fector, John Minet
Feilden, William
Ferguson, Sir R. A.
Ferguson, G.
Finch, George
Fitzroy, H.
Fleming, John
Foley, Edw. Thomas
Follett, Sir W.
Forbes, William
Forester, hon. G.
Fox, C.
Freshfield, J. W.
Gaskell, James Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. W.
Gore, Wm. Ormsby
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Greene, Thomas
Griesley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, James
Hamilton, Geo. Alex.
Hanmer, Henry
Hanmer, Sir J.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E. S., bart.
Henniker, Lord
Herbert, hon. Sydney
Herries, rt. hon. J. C.
Hogg, James Weir
Hope, hon. James
Hotham, Viscount
Houstoun, G.
Hughes, Hughes
Jackson, Sergeant
Jermyn, Earl
Inglis, Sir R.
Jones, Wilson
Jones, Theobald
Irton, Samuel
Kearsley, J. H.
Kerrison, Sir Edw.
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, A.
Lefroy, right hon. T.
Lincoln, Earl of
Longfield, R.
Lopes, Sir Ralph
Lowther, Colonel H.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lushington, S. R.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Marsland, T.
Martin, J.
Maunsell, T. P.
Meynell, Captain
Miles, William
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J., bt.
Morgan, Chas. M. R.
Neeld, John
Neeld, Joseph
Nicholl, John
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M.
Patten, J. Wilson
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pelham, John C.
Pemberton, Thomas
Penruddock, J. H.
Perceval, Col.
Pigot, Robert
Plumptre, J. P.
Polhill, Captain F.
Pollen, Sir J., bart.
Pollington, Viscount
Pollock, Sir F.

Powell, Colonel
Praed, Winthorp M.
Price, S. G.
Price, Richard
Rae, Sir Wm., bart.
Reid, Sir John Rae
Richards, J.
Rickford, W.
Ross, Charles
Rushbrooke, Colonel
Rushout, G.
Russell, C.
Ryle, John
Sanderson, R.
Sandon, Viscount
Scarlett, R.
Scott, Lord J.
Shaw, Frederick
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smyth, Sir H., bart.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stanley, Edward
Stewart, John
Stormont, Viscount
Sturt, Henry Charles
Thomas, Colonel
Townsend, Lord J.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G.
Twiss, Horace
Tyrrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Vernon, Granville H.
Vesey, hon. Thomas
Vyvyan, Sir R.
Walpole, Lord
Walter, John
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, Thomas C.
Wilbraham, hon. B.
Williams, Robert
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wortley, J. S.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Clerk, Sir G.

The following Members paired off on the question of appointing a Select Committee on Church Leases:—

FOR	AGAINST.
Bellew, Sir P.	Bethell, R.
Butler, P.	Calcraft, J.
Chichester, J. P.	Cooper, E. J.
Fitzgibbon, hon. R.	Davenport, J.
Fitzsimon, N.	Egerton, Sir P.
Gisborne, T.	Egerton, T.
Grosvenor, Lord R.	Fancourt, C.
Hodges, T.	Grant, Colonel
Leveson, Lord	Hamilton, Lord C.
Maxwell, J.	Hay, Sir J.
Macnamara, M.	Hoy, Barlow
Phillips, C. M.	Mandeville, R.
Philips, M.	Maxwell, H.
Pryse, Pryse	Noel, Sir G.
Roche, D.	O'Neil, General
Sheil, R.	Owen, H.
Tynte, Colonel	Peel, Ed.
Vivian, J. H.	Pringle, A.
White, Samuel	Richards, J.
Winnington, Sir T.	Smith, T. A.

HOUSE OF LORDS,

Tuesday, June 13, 1837.

MINUTES.] Petitions presented. By the Duke of RUTLAND, from Aberdeen, in favour of Scotch Prisons' Dicipline Bill.—By the Earl of SHADBROKE, from parishes in Suffolk, in favour of the Poor-law Amendment Act.—By the Earl of ABERDEEN, from Aberdeen, against Profanation of the Sabbath.

METROPOLITAN CEMETERIES.] The Bishop of *London* had two petitions to present. One was from certain incumbents within the metropolis, and the other was from the large parish of St. Pancras. It was within the knowledge of their Lordships that many of these schemes had been presented to Parliament, and two or three had passed into law; and he need hardly inform their Lordships that great hardships had resulted to incumbents in London from what they had already done. Let him not be understood as disposed to stand in the way of great public improvements, as he was at once willing to admit that the practice of burying the dead in the most crowded parts of the metropolis was injurious to health, and in many instances an infringement upon decency. But their Lordships had refused to pass the Bill for establishing the cemetery in the Harrow road, without first providing that a certain compensation should be allotted to the clergymen from whose parishes the dead were removed to the cemetery. He was sorry, however, to see that an objection prevailed amongst many of their Lordships to awarding compensation to clergymen under these circumstances. Their Lordships ought to be aware that in several parishes a great part of the income of the clergymen arose from fees, and more especially from mortuary fees. Many new parishes had been created a century or somewhat more ago, which were wholly unendowed, it being supposed that owing to the great increase of the population a sufficient income would be raised for the clergymen by fees. By the institution of these cemeteries in every direction, and thus taking away a great portion of such fees, they were doing, he would not say an injustice to the clergy, but they were inflicting a hardship upon them, and he therefore thought that the clergy were not to blame if, with reference to the passing of those measures, they paid some attention to their own interests. He knew a particular parish within his own gift, the income of the incumbent of which had been already reduced by 150*l.* a-year, and that diminution was still going on. This, he could assure the House, was not by any means a solitary instance. When such facts were proved in Committee he trusted that their consideration would have due influence with their Lordships. There were other considerations of a moral and religious nature, such as the improper and promiscuous interment of the dead, which he was sure would have due weight with their Lordships, and induce them not to go too far, and not to carry the provisions of these measures to an extent which was not required by considerations of a public nature. Their Lordships all knew in their melancholy experience what a control was exercised over the minds of the survivors when the friend or relative whom they loved was consigned to the tomb amid the solemnities of our holy religion. He was sure from his own observation, and he spoke more with reference to the lower and middling classes, that the fact of the clergyman performing the last rights to his parishioners became a powerful bond of friendship and regard with surviving friends of the deceased. This bond was effectually severed by the parties burying the dead in cemeteries. He was fully aware that this consideration had weight rather with reference to its moral aspect or equitable claim, than to any legal right; but he was anxious to press it upon their Lordships both on behalf of the clergyman and the parishioners. He had no hesitation in saying that if these cemeteries were suffered to multiply, without affording a reasonable compensation to the clergy, there must be either some legislative grant, or the voluntary system must be adopted in some parishes for the maintenance of their clergy; ay, for many incumbents who were now considered the richest in the metropolis. The prayer of the petitions was, that the petitioners might be heard by counsel against the Necropolis Cemetery Bill.

Petitions laid on the table.

PUBLIC WORKS (IRELAND).] On the Order of the Day being read for going into Committee on the Public Works (Ireland) Bill,

The Marquess of *Lansdowne* in moving the Committee, felt it his duty to offer a few observations upon the Bill, not only because it was important in itself, as affecting the welfare of the people of Ireland, but certainly as of still greater importance when considered in connexion with another most important measure which was not immediately before their Lordships, but a measure which was known to be before the Legislature, and which was certainly of no insignificant or unimportant character. In the first place, however, he would simply and shortly state the immediate object of the present Bill. It merely made some alterations in the provisions of a former Bill, in order to extend a system which had been acted upon advantageously for some years for the encouragement of public works in Ireland; and he was confident it would meet with the concurrence of those who had examined the progress of those works, and who had studied the public reports that had been from time to time made upon those works which had been carried into effect in that country, with singular benefit, as far as it extended to the population, and carried into effect by instruments who had been found eminently qualified for the task of administering and controlling the works which had been carried on under their inspection and direction. Their Lordships knew the value of that board by an experience of four or five years, and during that time they had effected many works of a great and important nature to the public at large. A great many others on a similar scale were in progress, but it was necessary that some measure like the present should be introduced to bring them to a successful termination. Undoubtedly many of the works now in progress could not be completed without the assistance which Parliament could supply; and it was for the purpose of completing these works, and originating others on the same principle, that the Bill was introduced. The Bill embraced a principle which was generally admitted to be proper where the public interfered with public works, but which was more especially the case in Ireland, namely, that a certain, and he would say a large, amount of local contribution should be required, in order to afford a certainty that the work was not merely one which would suit the interest of some particular individuals, but that it met with the concurrence of those who resided in the neighbourhood, and who were willing to make a sacrifice for the purpose of seeing it accomplished. The Bill therefore provided that a sum of money to the amount of 50,000*l.* should be furnished by Government, where the same amount was furnished by local contribution. The 50,000*l.* would be paid out of the Consolidated Fund, under the direction of a board, where provision was made to incur an equal expenditure, either by the grand jury, or a meeting of the justices, with the concurrence of the rate-payers. In this respect only did this Bill differ from the Bill which had already received the sanction of their Lordships. Considering the different checks and safe-guards provided by the Bill, he was convinced that there would be no danger of incurring a useless expenditure, and more particularly when the parties calling for the expenditure must in the first place advance one-half of the required sum, and be subject to inquiry. If he had any doubt about recommending this Bill to the attention of their Lordships, that doubt was removed when he considered this Bill relative to and in connexion with that most important measure which was now depending in the other House of Parliament, a measure which their Lordships would hereafter and during the present Session have offered to their consideration, and which he trusted that their Lordships would be induced, with any modifications it might receive in either House of Parliament, to adopt as a most important experiment for removing poverty from Ireland. He could call it no other than an experiment, when he considered what masses of the population it would affect, and the uncertain circumstances in which that population was placed. He said, therefore, that he could only recommend it as an experiment which it was the duty of the Government and of Parliament to try for the purpose of affording, if not complete and effectual, the most complete and effectual relief which they could afford to the distress that was known to exist in that country. But looking at the character of that measure, though he was prepared to give it his support, and though he was disposed to hope that it might have the concurrence of their Lordships, he should not feel that he was discharging his duty if he did not state that he was not blind to the uncertainty, even to the danger, or the possible occurrences and contingencies which might attend the measure. He believed that the measure could only be rendered perfectly safe in its operation by its being attended with certain collateral measures which should provide for the population of that country in those cases of occasional, partial, but overwhelming distress which was known to exist from time to time in that country. He looked upon this measure, the principle of which the House might hereafter extend, should occasion arise to call for it, as a means of providing relief in another form, in a form which, to the extent that it was applied, he thought more useful, in a form which has been found useful already, in calling forth the exertions of individuals to provide for the poor, and in calling forth the exertions of the poor themselves, who were rendered substantially better by obtaining relief in this shape than if they received direct alms. But he looked at this Bill also as a collateral security—a safety-valve attending the operation of the more general measure; and it might hereafter be still further extended if thought fit. On these grounds he thought that this Bill had peculiar claims upon the attention of their Lordships; but he could not dismiss the subject, or close the few observations with which he had to trouble their Lordships, without saying, that he did not look to this measure as the only collateral security attending the measure for introducing Poor-laws into Ireland with a view to greater safety, but he looked to another class of measures, which might be collected from the papers recently moved for and laid on the table of the House by his noble Friend the Secretary for the Colonies,—he meant the measures for the encouragement and protection of emigration from all parts of the country. He looked to those measures as a most important resource in certain contingencies which might arise in the progress of the measure to which he had just called the attention of their Lordships. It was, however, a measure attended with great difficulty, as all measures were, which called for the interference of Government with the natural application of labour. Upon this subject it was necessary that the Government should proceed with the greatest caution. Their Lordships would see, from the papers he had referred to, what was the nature of the demand for emigration as it existed in the different colonies, and what was the extent to which it had been carried. He was not about to make a statement of that which might be collected with greater facility from the papers on the table, but he would take the liberty of stating the nature of the demand which existed in particular colonies, both with reference to the amount and quality of the population that was required to emigrate there. In the course of the last four or five years there had been an increasing disposition to emigrate both to our North American colonies and to New Holland. To the latter place, which possessed peculiar advantages, upwards of 3,000 persons emigrated yearly; they found in that colony increased advantages for receiving those emigrants, and better means for providing for them when they arrived. The emigrants to our North American colonies amounted to something less than 25,000 or 30,000 yearly for the last three or four years. Upon this point it would be perceived that steps had been already taken by the present Government particularly by his noble Friend (Lord Glenelg) to give encouragement to emigration. The nature of that encouragement was not in the shape of direct pecuniary assistance to the persons about to emigrate; but it nevertheless afforded most important assistance to the party emigrating. Persons were appointed at every port, who were perfectly qualified for the situation, and who had the charge of superintending every thing relative to emigration. There was thus an agent at every port, from which it was convenient or desirable that emigration should be carried on, to furnish information and assistance. Government also was prepared to offer the means of emigration, not pecuniary means, but on the party wishing to emigrate paying a certain fixed sum, the Government would undertake his safe transport, as far as they could, to his place of destination. Further, the Government would undertake to provide emigrants upon landing with labour from the moment of their arrival at the particular place to which they had stated their wish to migrate; and this he thought was a most important security given to emigrants. Government was not prepared to carry their assistance further. He hoped, however, that Government and Parliament would feel that it was their duty to watch the operation of those measures. All he would add was, that an enlarged and liberal measure of emigration, and the extension of public works in Ireland on the principles of the present Bill, would be in his opinion highly conducive to the peace and prosperity of the empire. The noble Marquess concluded by moving that the House do resolve itself into a Committee of the whole House upon this Bill.

Lord *Fitzgerald* was of opinion, that without collateral measures the experiment of a Poor-law could not be fairly tried, or safely tried, in Ireland. When he saw this Bill brought before them, without the explanation which the noble Marquess had now given, he confessed that he was particularly jealous with reference to one of its principal provisions. He agreed with the noble Marquess as to the advantage which must be derived from the encouragement of public works. Money thus laid out must be beneficial to the country under existing circumstances, as well as under circumstances which might arise hereafter. He did, however, view with some apprehension, until the matter was explained by the noble Marquess, and even now he viewed with some degree of jealousy, the mode in which it was proposed to levy the moiety of the sum necessary for the prosecution of these public works on the different counties of Ireland. The noble Marquess had stated why the provision contained in the former Bill had been departed from. That course had been taken because the distress which the employment given by the prosecution of public works was intended to relieve might be greatly aggravated if the proceeding were delayed until the grand jury made a presentment. He saw the difficulty of the case, and therefore he felt unwilling to oppose the provision. But he must say, that he was almost equally unwilling to give to the persons in whom, by this Bill, the discretion was vested, the power of calling for the prosecution of public works, involving the outlay of a large sum of money. The grand jury, it appeared, were to have no discretion in the case whatever, not even with respect to the gross general sum expended. Now, he did not like to give to the magistrates and cess-payers so important a power as this Bill confided to them. The Bill provided, that any three justices of the peace (not alluding to what parish, or barony, or division of the county they might belong to, and saying nothing about qualification) might assemble with such cess-payers as had assembled at the previous Sessions, and declare to the Lord-lieutenant the necessity of proceeding with any given public work. Now, he would ask, how the cess-payers who had met at the preceding Sessions were to be re-assembled? He did not like to grant such a power to an irresponsible body—to persons who, in many instances, must necessarily be of an inferior class. He would rather throw the whole responsibility on the Government than give so extensive a power to those parties. Though he did not approve of the manner in which this part of the Bill was framed, still he believed that the intention of the Government was to effect a public good, and he hoped that in the present or some other stage of the Bill the objection which he now made would be obviated. With respect to the question of a Poor-law for Ireland, he would say that it was impossible for any person who looked at the Reports of the Commissioners appointed to inquire into the state of the Irish poor to overrate the importance of the subject. Such a measure could not be effectual, he was convinced, without the adoption of collateral and auxiliary measures, in order to afford employment for the people, and it was in that point of view that he regarded the present Bill. When he looked at the Reports of those Commissioners—when he considered the mass of evidence which they had collected—and, still more, when he reflected on the deductions which they had drawn from that evidence—he could not help coming to the conclusion that the measure in progress elsewhere was inadequate to the evil which was to be remedied. It did not afford the means of removing that destitution to which between 2,000,000 and 3,000,000 of human beings were now subjected. It did not at all meet the difficulty in that respect. However able the Report of Mr. Nicholls might be, still it could not be denied that it was speculative, and founded rather on his knowledge of the English law than on any information he had himself acquired in Ireland. Indeed, it had been stated by a noble Lord, that Mr. Nicholls was not sent to Ireland to procure information, but to point out the manner in which the information obtained by others might best be acted on. The view which he was induced to take of this subject, after reading that Report, convinced him (more than perhaps even the noble Marquess was himself convinced) of the strong necessity which existed for auxiliary measures. The propriety of encouraging public works for the employment of the people was not a question now to be discussed. They had formerly had an opportunity of ascertaining how beneficial such a system was, not only in a moral, but in a political view, as tending to preserve peace and tranquillity in the country. With respect to emigration, he would say, that without emigration on a scale not limited nor partial, but extensive and national, a due provision for the poor could not be found. The establishment of workhouses would only go to relieve the distressed population from immediate starvation, but would not remove the evil. He did not blame the Government for making an experiment of this nature; but he was perfectly convinced, that by emigration alone could the Irish labourer hope to be permanently relieved from a state of destitution. There was a passage in the Report of the Commissioners on this point, in the truth and justice of which he entirely agreed. They said, " We look to emigration as an auxiliary essential to a commencing course of amelioration. It is thus, and thus only, that the market of labour can be relieved from the weight which presses on it, and the Irish labourer be raised from his present prostrate situation."

The Earl of *Fingall* said, it had been asserted, by a noble Lord on a former evening, that the Irish Poor Commissioners had dealt rather in opinions than facts. Now, it appeared to him that their Lordships must have a most ravenous appetite for facts, if they were not quite satisfied with those detailed in the evidence collected by the Commissioners. He was one of the Commissioners—he concurred in the opinions and sentiments of his fellow Commissioners, and he had, without hesitation, signed the Report. In common with the noble Marquess, he felt the necessity for encouraging public works in Ireland, and he was of opinion that the distress which afflicted that country could not be removed by one measure, but must be cured by a series of auxiliary measures. He concurred in the provisions of the Bill before their Lordships.

The Bill went through Committee, and the House resumed.

HOUSE OF COMMONS,

Tuesday, June 13, 1837.

MINUTES.] Petitions presented. By Mr. HANDLEY, and Mr. WILKS, from Lancashire, and Leicestershire, for the Ministerial plan for the abolition of Church-rates.—By Mr. CHALMERS, from Arbroath, for the prevention of railway travelling on the Sabbath.—By Mr. PARKER, from Devon, against the appropriation of Church property to other than Church purposes.—By Mr. T. DUNCOMBE, from Kew, for the Ministerial plan for the abolition of Church-rates.—By Mr. W. ROCHE, from Dublin, praying for the equalisation of the County-rates; and against the monopoly of roads between Limerick and Dublin.

TAXED CARTS.] Mr. *Handley,* seeing the Chancellor of the Exchequer in his place, wished to ask him, whether it was the intention of the Government to introduce any measure during the present Session on the subject of taxed carts? He (Mr. Handley) had a notice on the subject, which he would be glad to resign to the right hon. Gentleman, if any measure was contemplated.

The *Chancellor of the Exchequer*, knowing the interest taken by the hon. Gentleman in every thing relating to agriculture, was not surprised at the question he had put. The subject to which the question related had not produced much excitement in Parliament, but he was aware that it had created a strong excitement in the agricultural districts. In the measures which had been introduced by the Government the object more particularly had been to do away with a number of vexatious regulations which formerly existed, and the act which had passed had certainly removed many of those vexatious restrictions. It, however, provided that the letters of the names of the owners placed on these carts which formerly were required to be only one inch in length, should in future be written or painted in letters two inches long. The object of that provision was to enable tollkeepers and others to read the names with more ease. Now it was this regulation which had given rise to so much excitement in the agricultural districts, and which it was wished to abolish; and it was therefore his intention during the present Session to propose that the law should be left as he had found it. The matter however, was so absurd that he was sorry to have occupied so much of the time of the House in alluding to it, and he did not think that the object sought was a sufficient ground for the excitement which had been produced.

Subject dropped.

PORTLAND CEMETERY.] The Order of the Day for the further consideration of the petition of John W. Stable, on the subject of the North Metropolitan Cemetery Bill, and Sir S. Whalley ordering a clause to be inserted, in it, was read.

Mr. R. Sutton and Mr. Stable were examined—the subject was then suffered to drop.

EXCISE DEPARTMENT.] Mr. *Wallace* said, the Excise-office was one which affected the trade of the country at large, and in that department there was received as much as 2,000,000*l.* annually, and upwards, which was not accounted for to Parliament. The question of Excise had been most ably discussed in a report then before the House, and if he had been led to expect that the Treasury would take it up and deal with it in a comprehensive and practical manner, he should have had great pleasure in abstaining from pressing the present motion. But he had no reason to expect that the Treasury would do so, although if they were to do so in a proper spirit, no less a sum than from 1,500,000*l.* to 2,000,000*l.* might be annually saved to the country. The number of persons employed at present in the Excise department was the same as in the year 1797, although at that period there were no less than twenty-seven different heads of taxation. There were no less than 5,038 persons receiving salaries in this department—an outlay which called for immediate investigation. They paid all their own servants, too—a circumstance which, connected, with the fact that all the Commissioners had equal power, rendered the office of Excise an irresponsible, while it should be a responsible one. The laws upon this subject amounted to upwards of 600; the number of traders whose interests were thereby affected was no less than 500,000 or 600,000; and, notwithstanding, he found the extraordinary system adopted in this department of not giving replies to parties preferring complaints, but referring them to inferior officers throughout the country—a system contrary to that pursued in the Navy, War, and other offices, in which complaints were immediately recognised as being entitled to reply. The hon. Gentleman referred to the salaries paid to persons in the Secretaries'-office, the entire expenses of which, he said, amounted to 7,000*l.*, and yet it appeared that they had not time to answer letters of complaint. Then there was the absurd additional office, called the "Correspondents' office," which ought to be struck off altogether. It was an office entirely unknown in any other public department, and although it purported to be a branch of the Secretaries'-office, it was quite distinct from it. He found, also, that the salaries attached to this branch formed rather a considerable item of expenditure for so useless a purpose. The number of "correspondents" throughout the English department was thirty, whose salaries amounted to 6,020*l.* Then there was the solicitor, who was paid 2,500*l.* a-year; assistant-solicitor 1,000*l.*, and several clerks 300*l.* or 400*l.* each; besides special solicitors for Scotland and Ireland. The accountant's-office furnished a most extraordinary nomenclature. It began with one general accountant; then came another, and so on until he found no less than six accountants in the office in London. The first of these received 1,500*l.* and the next 500*l.*, a-year, while the fees were now nearly double what they were in 1793. The auditors, controllers, and store-keepers' offices, gave similar proofs of extravagance. Connected with the last of these was a printing establishment, which, although it had been disapproved of by the Committee, was still perservered in by the Commissioners of Excise. For the purpose of showing the old-fashioned way in which this department carried on its business, he would just instance one case from the Report, respecting the riding duties throughout the country, from which it appeared that the mode of collection was so complicated, that an account must pass through eight different hands before they could collect the tax upon a single horse. One of the recommendations in the Report of the Commissioners was, that Excise Commissioners should cease to act as judges upon excise trials, or carry on the business of distillers, or printers; and another that the first Commissioner should be invested with the chief power. He recommended that the department, like others, should only be intrusted with the receipt, and not the disbursement, of its finances, and that the charges for collection, &c., should be included in the regular way in the Parliamentary estimates. He held returns to prove that there were not less than 7,000,000*l.* expended every year in the revenue department without the sanction of that House. The hon. member concluded by moving, that the Report of the Committee of the Commissioners of the Board of Excise, on the twentieth Report of the Commissioners of Excise Inquiry, be referred to the late Commissioners, Sir Henry Parnell, and Mr. Henry Berens, to examine the same, and report their opinion thereon to the House.

Mr. *Hume* seconded the motion, and expressed his regret that so little had been done towards carrying into effect the recommendations contained in that Report.

Mr. *F. Baring* begged to state, in reply to the hon. Member for Middlesex, that a good deal had been done towards carrying into effect the recommendations contained in the Reports which had been presented to them, considering the short time which the Government had had for doing so. There was not one of those Reports upon which some steps had not been taken; a considerable reduction in the expenditure had been effected, and in every other respect he could assure hon. Members there was no disinclination on the part of Government to attend to the recommendations of the Commissioners.

House counted out.

HOUSE OF COMMONS,

Wednesday, June 14, 1837.

Minutes.] Bills. Read a second time:—Game (Scotland); Custody of Infants.

Petitions presented. By Mr. Callaghan, from Cork, complaining that certain names had been placed on the lists of voters without any authority.—By Mr. S. Crawford, from certain Dissenters (Ireland), for the Voluntary principle.—By Major C. Bruce, from Aberdeen, for a measure to prevent travelling on Sunday.—By Colonel Sibthorp, from Lincoln, against the Church-rate abolition plan of Government.—By Mr. Hume, from Great Yarmouth, and other places, for Universal Suffrage.—By Dr. Bowring, from Kilmarnock, that that town may be included in the Burghs of Barony Bill.

East India Maritime Officers.] Counsel having been heard against the East India Maritime Officers Bill. The question was put that the Speaker leave the chair for the House to go into Committee.

Sir J. Hobhouse moved that the House go into Committee on the Bill that day six months.

Mr. *Robinson* thought the House should resolve itself into Committee. A Clause had been purposely introduced into the East India Bill to meet the claims made upon the East India Company.

The *Solicitor-General* said, that the arguments of counsel had convinced him that it would be a gross act of injustice to interfere with the East India Company, in the manner proposed by the Bill of the hon. Member. The East India Company had considered those claims fully, and had determined that compensation could not be given consistently with the rules laid down for carrying into execution the act of Parliament. The company had the power of giving compensation in such cases as they conceived it was merited, subject to certain limitations, but he did not think they should be compelled to do so in every instance, as proposed by the present Bill.

Mr. *Praed* observed that the company had refused to take cognizance of cases of which there was *primá facie* evidence. Counsel had stated, that notwithstanding the existence of the rules laid down by the company, the company had the power of examining into cases of alleged injustice. Now, officers of the company had stated to the East India Company, that although they had not served within the time specified as necessary, five years, yet that they could show they had had a certainty of future employment, and on that ground claimed compensation for the discontinuance of the East India trade. The company, however, had refused to recognize such claims unless the parties signed a consideration tending to prove that they were beggars—circumstances which had been entirely omitted by counsel. He did think that if the right hon. Gentleman opposite had distinctly disagreed with the Report of the Committee, which had stated that that House was bound to consider those claims, he would stand in a much better position. All that was demanded on the part of the officers of the East India Company was, that their claims should be considered, without those galling and unfair restrictions.

Sir *J. Hobhouse* said, that it was impossible he could be influenced by any feeling beyond that of public duty in opposing the present Bill. He looked at the question in exactly the same light as the learned counsel, who had told them that the House of Commons should not interfere with property with which they had no business whatever. The House of Commons had given to the East India Company a right to exercise their own discretion and control as to what officers they would compensate, and the Court of Directors and Board of Control had agreed upon certain limits beyond which no compensation could be granted. The Act of Parliament had given to the East-India Company the right and power to make these rules, and having been made, the hon. Gentleman (Mr. Robinson) came forward and said, that the limit made by the company was unwise and unfair, and in order to make the East-India Company relax their rules, called for the interference of Parliament. If the hon. Gentleman's proposition succeeded, he had no hesitation in saying, that the money to meet those claims which the hon. Member advocated should be paid out of the Consolidated Fund. The company had already suffered sufficient by having been deprived of their trade; and surely that House ought not, under pretence of doing justice to one party, to inflict injustice upon another. Conceiving therefore, that the present Bill was not only one of the most strange, but also one of the most unjust and iniquitous, that had ever been presented to Parliament, he would give it his most strenuous opposition throughout all its stages.

The House divided on the original question:—Ayes 32; Noes 68. Majority 36.

List of the Ayes.

Angerstein, John
Attwood, T.
Bailey, J.
Balfour, T.
Barnard, Edward G.
Beauclerk, Major
Bolling, Wm.
Clay, W.
Codrington, Sir E.
Fector, J. M.
Forbes, Wm.
Forster, C. S.
Gaskell, Jas. Milnes
Hardy, J.
Henniker, Lord
Humphery, John
Jones, T.
Lowther, J. H.
Palmer, General
Parry, Sir L. P. J.
Pechell, Captain
Plumptre, John P.
Richards, Richard
Sibthorp, Col.
Stuart, Lord D.
Strickland, Sir Geo.
Trevor, Hon. A.
Vere, Sir C. B.
Wallace, Robert
Whalley, Sir S.
Wood, Alderman
Young, G. F.

TELLERS

Robinson, G. R.
Praed, James R.

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Astley, Sir Jacob, bt.
Baring, F. T.
Benett, J.
Bewes, T.
Biddulph, Robert
Brotherton, J.
Brownrigg, S.
Buller, Charles
Chaplin, Col.
Collier, John
Collins, W.
Corbett, T.
Dalmeny, Lord
Denistoun, John
Dick, Q.
Dowdeswell, Wm.
Duncombe, Hon. A.
Ebrington, Viscount
Fellowes, N.
Fitzroy, Lord C.
Gordon, R.
Goring, H. D.
Grey, Sir G.
Hale, R. B.
Handley, H.
Hastie, A.
Heathcote, G. J.
Heneage, E.
Hobhouse, Sir J.
Horsman, E.
Howick, Viscount
Johnstone, J. J. H.
Labouchere, H.
Lemon, Sir C.
Lennard, T. B.
Lynch, A. H.
Marsland, Henry
Morgan, Chas. M. R.
Mostyn, Hon. E. L.
Murray, Rt. Hon. J.
Musgrave, Sir R.
O'Brien, W. S.
O'Ferrall, R. M.
Parker, J.
Potter, R.
Pusey, P.
Rice, Rt. Hon. T. S.
Rolfe, Sir R. M.
Rundle, John
Sandon, Viscount
Seale, Colonel
Seymour, Lord
Stanley, E. J.
Stanley, W. O.
Steuart, R.
Thompson, Colonel
Thornley, Thomas
Troubridge, Sir T.
Tyrrell, Sir J.
Vernon, Grenville H.
Vigors, N. A.
Warburton, H.
Wodehouse, E.
Wood, C.
Wyse, Thomas
Young, J.

TELLERS.

Maule, hon. F.
Smith, R. V.

Committee put off for six months.

Manufacture of Bonded Corn.] Mr. Robinson moved the second reading of the Bonded Corn Manufacture Bill.

Mr. *Heathcote* opposed the Bill, as it would open the door to fraud and abuse, and as one instalment towards the repeal of the Corn-laws. He felt it his duty to move, as an amendment, that the Bill be read a second time that day six months.

Mr. *Labouchere* was desirous that the experiment which the Bill proposed should be fairly tried; the experiment was due to the commercial and the shipping interests of the country, and it would ill become the House to refuse it. He should give his vote in favour of the second reading of the Bill, and when the Bill got into Committee he should propose some regulations to prevent the possibility of any fraud or abuse being perpetrated.

The Marquess of *Chandos* said, that he could not concur in the proposed experiment, which he felt satisfied would operate injuriously to the landed interest. The manufacture of corn in bond would lead to frauds, the King's locks were not secure, and no guarantee was given as to the future destination of the corn when manufactured. He concurred in thinking the measure as the first instalment towards a repeal of the Corn Laws, and he should therefore give his cordial dissent to the second reading of the Bill.

Mr. *Benett* said, that this was an experiment which the right hon. the Vice-President of the Board of Trade would not venture to try with any branch of manufactures, and he ought to pause before he gave his sanction to such an interference with the landed interests. Was it to be supposed that mills under lock would be confined to the grinding of foreign corn alone? The experiment, if honest, was most ludicrous; if dishonest, the right hon. Gentlemen ought at once to say, "We are for doing away with the Corn Laws." He was sure if it were known that such a Bill had been submitted to Parliament, the table would have been crowded with the petitions of the agriculturists against it, and he should certainly vote for the rejection of the Bill.

Mr. *Warburton* denied that the measure would in any degree interfere with the home consumption of home-grown corn. It had been asserted that ships making a long voyage were victualled with biscuits made from home-grown corn—the fact was not so, because ships were in the habit of proceeding to Hamburg and other places, and provided themselves there; and even for shorter voyages to the Baltic the same thing occurred.

The Earl of *Darlington* in justice to those who had sent him to that House felt bound to oppose the second reading of this Bill.

Viscount *Sandon* supported the Bill, and denied that any fraud could be committed under its operation, provided the same regulations were provided in this Bill as had been made with regard to the refining of sugars in bond. He put it to hon. Gentlemen who were anxious that the principle of protection should be maintained, whether it were wise to push that principle in cases where there was no occasion for it. He thought they should come into collision with as few interests as possible, and limit their legislation to cases of necessity only.

Mr. *Wyse* said, as no Irish Member had yet spoken on the subject, and as he was more closely connected with the commercial than the agricultural interest, which in Ireland was the preponderating interest, he might be allowed to say a word or two. The agricultural interest in Ireland, so far from being opposed to this Bill, was in favour of it. He saw no force in the objections which had been urged from the other side. Some hon. Members had used the objection *ad hominem.* Their opposition to the Bill was grounded on the simple fact, that it was supported by the hon. Member for Bridport and others who were opposed to the Corn-laws, and that, therefore, it could not be a good measure. The other objection was, that if the Bill were passed, it would be the destruction of the Corn-laws. It was true that the hon. Member for Kilkenny opposed the Bill when it was first introduced upon that ground; but the hon. Member for Worcester had clearly shown, that there was no reason for any such apprehension. He should support the second reading, leaving it to the Committee to alter anything that might appear to be objectionable.

Mr. *George F. Young* did not sympathise with those who anticipated great dangers from this Bill. He believed it would confer great benefits on the commercial interests of the country. The present law was by no means advantageous to the agricultural interest, and it was openly evaded by the shipowners. He wished to see the interests of both classes protected, and therefore should support the Bill.

Mr. *Handley* said, this scheme had been tried before, and had been found wanting. Returns had been honestly furnished to the House of the quantity of foreign corn bonded, manufactured, and exported, and it was found by those returns, that considerable quantities escaped from the custody of the King's lock, notwithstanding its boasted security. The system proposed to be established by the Bill would never be worth the attention of the millers unless they could keep their mills in full and constant employment. Believing that the measure would affect the stability of the Corn-laws, which ought to be strictly maintained, he should oppose it.

The House divided. Ayes 53; Noes 42:—Majority 11.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Attwood, T.
Baines, E.
Baring, F. T.
Barnard, E. G.
Bewes, T.
Bolling, W.
Bowring, Dr.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Clay, William
Codrington, Sir E.
Collier, J.
Crawford, W. S.
Crawley, S.
Dennistoun, John
Dobbin, Leonard
Egerton, Lord F.
Forster, C. S.
Grey, Sir Geo., bart.
Hardy, J.
Heathcoat, John
Hindley, C.
Humphery, J.
Hutt, W.
Labouchere, H.
Marsland, Henry
Maule, hon. F.
Morpeth, Viscount
Murray, J. A.
Musgrave, Sir R. bt.
O'Brien, W. S.
Parker, John
Pechell, Captain R.
Potter, R.
Rolfe, Sir R. M.
Rundle, John
Ruthven, E.
Sandon, Viscount
Strickland, Sir G.
Talfourd, Sergeant
Thompson, Colonel
Thornley, T.
Vigors, N. A.
Villiers, Charles P.
Wallace, R.
Walter, John
Whalley, Sir S.
Wood, Alderman
Wyse, T.
Young, G. F.

TELLERS.

Robinson, G. R.
Warburton, H.

List of the NOES.

Astley, Sir J.
Bailey, J.
Bell, M.
Benett, J.
Blackstone, W. S.
Chaplin, Colonel
Codrington, C. W.
Corbett, T.
Darlington, Earl of
Eaton, R. J.
Fellowes, hon. N.
Follett, Sir W.
Forbes, Wm.
Fremantle, Sir T. W.
French, F.
Goring, Harry Dent
Grimston, Viscount
Hale, Robert B.
Halford, H.
Handley, Henry
Harcourt, G. S.
Heneage, E.
Henniker, Lord
Hodges, T. L.
Jones, Wilson
Kearsley, J. H.
Knatchbull, Sir E.
Lennard, Thomas B.
Martin, T.
Morgan, C. M. R.
Parry, Sir L. P.
Plumptre, J. P.
Pusey, P.
Richards, R.
Sibthorp, Colonel
Trelawney, Sir W. L.
Trevor, hon. A.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. E.
Wodehouse, E.

TELLERS.

Heathcote, G. J.
Chandos, Marquess

BRIBERY AT ELECTIONS.] The Order of the Day for the second reading of the Bribery at Elections Bill was read, and a motion made that the Bill be read a second time.

Mr. *A. Trevor* protested against the cruel provisions which the Bill contained. one of the penalties for an Act of bribery was, that the individual proved to have been guilty of it should for ever after be deemed unfit to hold any civil office. That punishment far exceeded the amount of guilt. He believed that bribery would continue to exist as long as Parliaments existed in England, and the constituencies remained in their present state. That splendid measure—the Reform Bill—had opened wide the door to bribery. He thought so, because it had introduced to the enjoyment of the franchise a great number of persons whose circumstances laid them open to temptation. The Bill was very unjust, and he should therefore move, that it be read a second time that day six months.

Colonel *Sibthorp* seconded the amendment. He wished to know why the proposer of this Bill had not brought in one which should tell directly against the practice of the hon. Gentlemen who occupied the Treasury benches, for they were guilty of the most bare-faced bribery. He repeated the words "barefaced bribery;" and he was not aware that he was out of order in using them, or guilty of any disrespect to those hon. Gentlemen. They must have faces of brass if they could deny what he said. There was an old saying—"A nod is as good as a wink to a blind horse." That might suffice, but he would ask, whether it was not customary for the hon. Gentlemen opposite, during the elections, to send down to Woolwich and other dockyards, and to adopt a system which might be decribed in the homely, though appropriate, language—"Scratch me, and I'll scratch you." He should wish to hear bribery properly defined. He was in the habit of giving coals to the poor amongst his constituency, and never passed the sick chamber of a man who had voted for him without leaving some relief, and he thought it would be a hardship if this subjected him to the imputation of bribery.

Mr. *Baines*, far from agreeing with the sentiments expressed by the hon. Member for Durham, only objected to the Bill, not because it went too far, but because it did not go far enough. There was no provision in it against the payment of head-money, which in his opinion was a gross offence against the law and constitution.

Mr. *Hardy* was regardless of the insinuation thrown out against him by the hon. Member for Leeds, for he considered there was as much difference between bribery and head-money as between it and the Greek loan. Head-money was paid by each candidate immediately after the election; it was an old custom to pay two guineas to every voter, and if the hon. Member for Leeds would refer to the hon. Member for Pontefract, he would discover that the practice still existed. It did not at all affect the election, as the money would be paid if there was no opposition; then every elector would receive two guineas from the Member, whereas in a contest each candidate would only pay his immediate supporters.

The House divided on the original motion. Ayes 70; Noes 0.

The Mover and Seconder of the amendment were appointed tellers, and no one supported them.

The Bill was then read a second time, and the Committee fixed for Wednesday next.

SHERIFF'S COURT.] Lord *Stanley* moved, that the Sheriff's Court Bill be recommitted, to enable a clause to be introduced to extend the jurisdiction of the courts of the County Palatine of Lancaster. A Bill had been passed, giving to the Court of Common Pleas at Lancaster corresponding powers to those exercised by the Court at Westminster. He wished the title of the Act to be inserted, and the provisions of the Bill to be referred to it.

Mr. *Jervis* wished the same provision to be extended to all courts which have now power to direct issues to be tried before the sheriffs, to the amount of 20*l.*, and moved an instruction to the Committee to that effect.

Lord *Stanley* objected. He was fully prepared to carry out his own proposition, which he was not aware that the hon. and learned Member was, with respect to the extension of the power to the courts he referred to.

The House divided on Lord Stanley's motion. Ayes 50; Noes 14:—Majority 36.

List of the AYES.

Adam, Sir C.
Arbuthnott, H.
Baines, E.
Baring, F. T.
Bateson, Sir R.
Blake, M. J.
Boldero, H. G.
Borthwick, P.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Dennistoun, J.
Dillwyn, L. W.
Elley, Sir J.
Fector, J. M.
Ferguson, Sir R.
Forbes, W.
Geary, Sir W.
Gladstone, W. E.
Gordon, Captain
Hanmer, H.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hobhouse, Sir J.
Hodges, T. L.
Houston, G.
Lennox, Lord G.
Lennox, Lord A.
Marsland, T.
Maule, hon. F.
Morpeth, Viscount
Neeld, J.
Parry, Sir L. P.
Pechell, Captain
Pusey, P.
Reid, Sir J. R.
Rolfe, Sir R. M.
Rundle, J.
Rushbrooke, Colonel
Shaw, right hon. F.
Thomson, C. P.
Tooke, W.
Turner, W.
Verney, Sir H.
Wall, C. B.
Walter, J.
Westenra, H. R.
Wilkins, W.
Young, G. F.

TELLERS.

Stanley, Lord
Lynch, A. H.

List of the NOES.

Aglionby, H. A.
Buckingham, J.
Collier, J.
Lushington, C.
Marsland, H.
Musgrave, Sir R.
Potter, R.
Seale, Colonel
Talfourd, Sergeant
Tulk, C. A.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.

TELLERS.

Jervis, J.
Lennard, T. B.

House in Committee.

Various amendments made. House resumed.

RECOVERY OF TENEMENTS.] Mr. Aglionby moved, that the House go into Committee on the Recovery of Tenements Bill.

Mr. *Wakley* considered the Bill to be of a most arbitrary nature, as it empowered any person who chose to call the premises his to turn the occupant of a tenement out of possession four days after the term of his tenancy was declared by him to have expired. The effect of such a state of things would in some boroughs be most disastrous. The Bill cast aside trial by jury, and gave a magistrate the power of deciding on trials of ejectment. He was convinced the Bill must be a bad one, as it was so very palatable to a large majority of that House. He should therefore move, as an amendment, that the House do go into Committee on the Bill that day three months.

Mr. *Jervis* seconded the amendment. He wished to know if the hon. and learned Member for Cockermouth was acquainted with the state of the new trial paper. If he was, he must know, the most difficult questions arose upon the sufficiency of notices to quit, and yet the hon. and learned Member would give a single magistrate the power of deciding these questions and questions of title, without appeal. This was a bill against the poor man, and in favour of the landlord. As the law at present stood if the landlord's notice to quit was sufficient, he might enter upon the premises, subjecting himself, however, to an action of trespass if he were proved to be in the wrong. The only consequence of this Bill would be, that the landlord would be protected in his misconduct, while the poor man would be oppressed.

Mr. *Aglionby* denied, that this bill was intended for the oppression of the poor. He believed there were many Members in that House quite as zealous for the rights of the poor as the hon. and learned Member for Chester. The country was decidedly in favour of the Bill, and had taken a great interest in its success. A public meeting had been held at Salford, and resolutions in support of it were carried unanimously. He really doubted whether the hon. and learned Member for Chester had read the Bill, for there was no foundation for the objections which he had raised with reference to the decision of the magistrate on questions of title. The Bill only allowed the magistrate to act ministerially, and gave him no power to decide on judicial questions.

The House divided on the original motion Ayes 93; Noes 2:—Majority 91

List of the AYES.

Angerstein, J.
Baines, E.
Balfour, T.
Baring, F. T.
Beauclerk, Major
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Boldero, H. G.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Buckingham, J.
Chalmers, P.
Chichester, A.
Collier, J.
Crompton, H. C.
Cripps, J.
Dennistoun, J.
Dillwyn, L.
Divett, E.
Dowdeswell, W.
Dundas, J.
Elley, Sir J.
Elphinstone, H.
Fector, J. M.
Ferguson, Sir R.
Fleming, J.
Forbes, W.
Gaskell, D.
Geary, Sir W.
Gordon, R.
Grey, Colonel
Hardy, J.
Hastie, A.
Hector, C. J.
Hindley, C.
Hobhouse, Sir J.
Hodges, T. L.
Ingham, R.
Johnstone, H.
Johnston, A.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lowther, J. H.
Lynch, A. H.
Marsland, H.
Marsland, T.
Martin, J.
Martin, T.
Maule, hon. F.
Morpeth, Viscount
Musgrave, Sir R.
Neeld, J.
Neeld, John
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Perry, Sir L P.
Pattison, J.
Pechell, Captain
Penruddocke, J.
Plumtre, J. P.
Pollen, Sir J. W.
Potter, R.
Pusey, P.
Reid, Sir J. R.
Rolfe, Sir R. M.
Rundle, J.
Rushbrook, Col.
Seale, Colonel
Shaw, Right hon. F.
Sinclair, Sir G.
Smith, J. A.
Talford, Sergeant
Thompson, Colonel
Thornely, T.
Took, W.
Trelawny, Sir W.
Tulk, C.
Vere, Sir C.
Verney, Sir H
Vigors, N.
Warburton, H.
Ward, H.
Wilson, H.
Winnington, H.
Worsley, Lord
Wyse, T.
Wallace, R.
Young, G. F.

TELLERS.
Aglionby, H. A.
Villiers, C. P.

List of the NOES.

O'Brien, W. S.
Trevor, hon. A.

TELLERS.
Jervis, J.
Wakley, T.

The House went into Committee.
Clauses of the Bill agreed to.
House resumed.

DUBLIN POLICE.] Lord *Morpeth* stated that the Lords had set down certain amendments to the Dublin Police Bill, which, as they related to taxing the subject, that House could not entertain. He would, therefore, move that the Lords' amendments to the Dublin Police Bill be read that day six months.—Motion agreed to.

* * *

HOUSE OF LORDS,

Thursday, June 15, 1837.

MINUTES.] Petitions presented. By the Earl of HARDWICKE, and other noble LORDS, from various places, against the abolition of Church-rates.—By Lord RAYLEIGH, from Chelmsford, that their Lordships would not sanction any measure to alienate any portion of the ancient revenues of the Church, from the legitimate objects for which those revenues were originally granted.—By Lord SEGRAVE, from the Board of Guardians of an Union in Gloucestershire, for landlords instead of tenants to be rated to the poor.

POST-OFFICE BILLS.] The Earl of *Lichfield* in moving the second reading of the Post-office Acts Repeal Bill, stated, that this Bill, the Postage Duties Bill, the Franking Bill, the Post-office Management Bill, and the Post-office Offences Bill, had one great object in view—that of consolidating and improving the laws relating to the Post-office. Not less than 150 acts would be consolidated by the adoption of these measures.

Lord *Ellenborough* expressed an anxious wish that something had been done to expedite the communication between India and England by the route of the Red Sea. At present, the expense of the transmission of letters from England by the way of Egypt to India was so high, and by way of the Cape of Good Hope so moderate, that individuals would, of course, prefer the latter route, which operated as a discouragement to the establishment of a more quick communication by the route of Egypt and the Red Sea. When he was at the India Board, he had endeavoured to make an arrangement for a more speedy communication with India by steam, and at a lower rate of charge; but he did not know whether any steps had since been taken to carry the plan into effect.

The Duke of *Richmond* regretted that the object of these Bills was that merely of consolidation. It appeared that no reduction was proposed in the rates of postage, with the exception of that which had reference to newspapers transmitted through cross-roads in Ireland. In his opinion, the proper principle on which postage should be charged was, to take the direct distance of the towns to which letters might be addressed, and not to charge because a circuitous route was taken. Under the existing system great hardship was inflicted on the lessees of turnpike-roads, because the mail-coaches were allowed to go totally free from tolls through this country. It was now contemplated to despatch the mails by stage-coaches, also free of toll, which would be extremely unjust towards the lessees of turnpike roads, and those who had lent their money on such security. The halfpenny chargeable on newspapers sent to Scotland was, it appeared, to be remitted with respect to Edinburgh. Now, in his opinion, it ought to be removed with reference to the whole of Scotland. He thought that it would be advisable to refer these Bills for consideration to a Select Committee.

The Earl of *Lichfield* said, that these were really nothing more than consolidation Bills, which left the provisions of the law, in almost all instances, the same as they were at present.

Lord *Ashburton* thought, that the consolidation of those Bills would afford facilities for making future changes. He was favourable to a considerable reduction of the postage charges: and he was of opinion that such a reduction as had been the case in other departments would tend ultimately to increase, instead of diminishing, the revenue.

Viscount *Duncannon* said, if these Bills were referred to a Select Committee, and altered there, it would be felt as an interference with the privileges of the House of Commons; and if the Bills were, in consequence, reconstructed by the other House, it would be very difficult to get them through Parliament at so advanced a period of the Session. It was in the contemplation of the Post-office to charge according to the direct distance from the office, and not, as now, with reference to the actual route.

The Earl of *Lichfield* said, it appeared from the official returns that, under the system adopted in the Post-office Department, the revenue had been considerably increased. That revenue was now produced by 170,000,000 of letters that were annually circulated in England; and if the reduction of duty for which some individuals called were acceded to, it would require the enormous number of 416,000,000 of letters annually to produce the same amount of revenue. With respect to the plan set forth by Mr. Hill, of all the wild and visionary schemes which he had ever heard or read of, it was the most extraordinary. One part of his plan was, that letters sent through the Post-office should be confined to a primary distribution; and if the expense of the final distribution could not be met in any other way, it was to be defrayed out of a parochial rate. Now, he believed that, at the present moment particularly, very few people would be found to advocate the increase of parochial rates. If the Legislature chose that letters should be conveyed for nothing, they might adopt that course. But they had better consider whether the finances of the country would admit of such a change. They ought also to inquire whether in all countries the conveyance of letters had not constantly been viewed as a fair and legitimate source of revenue. He trusted that, under all the circumstances, the progress of these Bills would not be opposed.

Lord *Ashburton* was still of opinion

that the rates of postage ought to be diminished. The noble Earl, like all other Postmasters-General, seemed to look more to the increase of the revenue than to the general convenience of the public.

Bills read a second time.

WAR IN SPAIN.] The Marquess of *Londonderry* felt, that he was scarcely justified in renewing the discussion on the subject of the war in Spain after the able and enlightened debate which had taken place upon it recently, not only in their Lordships' House but also in the other House of Parliament. The question had been so fairly stated, and had been so clearly developed by a noble Duke, who had hitherto preserved a strict silence upon it, that he was not vain enough to hope to throw any fresh light upon it. The same views had also been ably advocated by a noble Earl who followed on the same side. In another place the discussion had taken so ample a view of the military state of the question, that it would be idle in him to add one word upon it. He had not been present at either of those discussions; but he had been most anxious to state how grateful he felt to the noble Duke for the allusions which he had made to his humble exertions, and for the lucid manner in which that noble Duke had brought our unhappy course in Spain under the consideration of their Lordships. The arguments which the noble Duke had then urged with so much force and clearness had been met by the noble Earl at the head of the Admiralty by a singular declaration, to which he should feel it to be his duty to allude more particularly hereafter. On the important question of the mode in which the war in Spain was conducted by his Majesty's Government, he thought the majority of that House—nay, he might even say the majority of the people of England, and the majority of the people of Europe, poignantly lamented that the warfare in that country should be carried on by a system on our part which was not creditable to the British arms, and which every British soldier must deeply lament. It was with a view to discover whether there were still any efforts made on the part of the British Government to raise new levies for the Queen of Spain, and to furnish them with arms, ammunition, and warlike stores—which we had already furnished to the amount of half a million—that he rose to address their Lordships for a few minutes. Looking to the economy of the thing, he would ask, whether there was any chance of the amount of these supplies being repaid to the country, in case Don Carlos should prove successful, as it was probable that he would? Was the same system, he would ask, to be carried on for the future as had been carried on for some years past? There was also another question equally important to all British subjects, which he should take the liberty of asking on the present occasion. He wished to know whether the noble Viscount had made any efforts or whether he had continued the efforts of the preceding Administration, to arrest on the part of the Spanish Government the sanguinary proceedings, the wanton bloodshed, the extraordinary atrocities with which the war was carried on in Spain? Had the noble Viscount come to a determination to send a British officer or a British diplomatic agent to the Court of Madrid to ascertain whether the arrangements which he had formerly explained to the House were actually carried into effect in the Basque provinces with respect to the Elliott convention? Had the noble Viscount taken measures to extend the provisions of that convention to all the other provinces of Spain? He should be happy to hear that the noble Viscount had done so. If he had, the Durango decree would have fallen to the ground at once a dead letter; and had that been the case, we should not have heard of those melancholy instances of bloodshed among men who wore the Spanish cockade, and were yet clothed in English cloth and bore English muskets. He feared that it was not with the noble Viscount as it was with a prudent statesman or with a prudent general, who having made a mistaken march, or who having taken up a wrong position, made a retrogressive motion and placed himself where he could most easily recover the ground which he had lost. It was reserved for the noble Viscount and the Members of his Administration to pursue an obstinate, pertinacious and bigotted line at all hazards in employing the British troops engaged in the war in Spain, so that no feelings out of doors, no representations from our ally the King of the French, no consideration in the world, could arrest the noble Viscount in his determination to carry on this war in the same reckless spirit in which he had embarked in it. The noble Viscount would perhaps recollent that at the close of last Session of Parliament he had ventured to indulge in various predictions. Had the noble Viscount's predictions been justified by the result, or any thing like it? Let the House look at the facts. He had put upon paper a comparative statement of the forces commanded by, and opposed to Don Carlos at the close of the last Session, and at the present moment. If the noble Viscount could contradict that statement, let him do so; he believed it to be true; and if it were true, what chance had the noble Viscount of defeating Don Carlos in his present attempt to gain possession of his throne? The noble Viscount's plan of warfare would not only plunge Spain into a continuation of all those scenes of horror and bloodshed which were so disgraceful to the character of the Spanish soldier, but would also involve England in an enormous expense, which would never be paid. The comparative statement to which he had alluded was as follows:—" At the end of 1835 the Carlist forces were, infantry in Navarre, 11,300; Alava, 5,500; Guipuscoa, 5,050; Biscay, 6,750; and Castillians, operating in the above provinces, 5,350. Also cavalry, 1,300; and artillery, 350. Total 35,600 regulars, besides 10,000 armed peasants." That statement he had made before in his place in Parliament, and that statement had been contradicted by the noble Viscount. But to proceed—" In Catalonia there were then in the various districts, but badly armed, 22,000; in Arragon, under Cabrera, 5,000; and under Quiles, 4,000; in Valencia, La Mancha, Toledo, in flying columns, 6,500; in Galicia, under Lopez, 3,000; in Castile, Rioja, Estremadura, Andalusia, and various parts of the kingdom, in small bands, 6,000. Total 56,500. At which period the Christinos had, including militia, natives, amounting to 275,000 men, contending against the Carlists, besides three foreign Legions viz. British 10,000; French, 8,000; and Portuguese, 5,000; independent of naval forces." That was the comparative statement of the forces of the Carlists and of the Christinos at that period. The bulk of the Carlist forces were in the Basque provinces, with the British Legion and the British fleet on their flanks. They had nevertheless maintained the war under all the difficulties in which they were placed, and had maintained it with success up to the present moment. At present, in 1837, the Carlist forces might be stated thus:—

" In the Basque provinces and Navarre, for their defence, and including armed peasants - - - - -	35,000
" Under the Infante, gone to Catalonia - - - - - -	12,000
" In Catalonia, well armed, under various leaders, and organised twenty-three battalions, say - - -	20,000
" In Valencia, under Cabrera, Serrador, and other leaders - - -	16,000
" In Lower Arragon, now chiefly with the Infante's expedition - -	10,000
" In various parts of the kingdom, in small bands - - - - -	6,000
" Total - - - - -	99,000

This statement gave the amount of the regular troops of Don Carlos. He had left a part of these troops in the Basque provinces, and with the remainder he had marched through various provinces of Spain, until he had reached Catalonia, where he had a population of 1,400,000 souls to fall back on. The Carlists had also bands of irregular troops in Lower Arragon, in Estremadura, in Andalusia, and elsewhere; and when all Spain was rising, or on the point of rising, in support of Don Carlos, was it wise in his Majesty's Government to allow a British force to be employed against him in a service which could only lead to the sacrifice of their own lives without any chance of success to the cause in which they were enlisted? He trusted that the noble Viscount would recollect his former predictions. He had taken the trouble of looking back to what the noble Viscount had then said. On the last occasion on which the force of the Carlists had been mentioned, the noble Viscount said, " I have every hope that a speedy and happy termination will be put to the Spanish contest, through the means now in operation. There is a prospect of the result from the conduct pursued by the present government of Spain. There is no one, my Lords, so incurable as a prophet; the spirit of prediction is a most obstinate disease. I do not know whether the noble Marquess has any adequate reason for declaring our prediction will be falsified, but I have every reason to believe what I have said will turn out to be the fact?" He quoted those words, as a slight reminiscence of the debate which took place on the 12th of February, 1836, but at the close of the debate the noble Earl now at the head of the Admiralty said, "I shall only add, that I speak from information which I have derived from authorities in Spain, and probably from less public sources than those on which the noble Marquess relies. From these I arrive at the conclusion, that General Evans is likely to pursue that successful course which he has hitherto done." All that he should now say in reply to these predictions was, that we were now carrying on the war in Spain in a much more unfortunate plight than that in which we were during the last Session. These were the grounds on which he thought that their Lordships had a right to be informed, first—"Whether any instructions or authority had been sent to Colonel Wylde, British Commissioner in the North of Spain, to aid the formation of any new British Auxiliary Legion, or to lend his exertions to induce British soldiers to enter the service of the Queen of Spain?" And secondly—"Whether any further communications had been received from the Spanish Government relating to their efforts to arrest the sanguinary system of the warfare." If any such communications had been sent in the one case or received in the other, he should certainly move, that they be laid on the table on a future day. If no such instructions or authority had been sent to Colonel Wylde, he should be satisfied at hearing that fact announced; but he should deeply regret it, if he should be informed by his Majesty's Government that no efforts had been made by them to bring this war into a more civilised and humane form. He also desired to be informed "whether the French government had not distinctly informed his Majesty's Ministers that they intended strictly to limit their interference to the stipulations of the Quadruple Treaty;" and whether they had not given his Majesty's Ministers that information since the close of the last Session? He particularly wished to call the attention of the noble Viscount to what our excellent ally the King of the French had said on this subject in his speech on the opening of the two Chambers, and to the words which he had uttered respecting those troops who marched under other colours than the glorious colours of their own nation. Did not the noble Viscount, he would ask, feel that those words were a taunt directed against the British marines now serving in Spain? When was there to be an end put to the system of allowing men wearing English uniforms to fight under the Spanish cockade? On these various points he now demanded some information. He had no wish whatever to embarrass his Majesty's Ministers; but he wished that all England, and indeed that all Europe, should know whether it was their intention to pursue any longer the system which they had been pursuing during the last three years under a most mistaken policy.

Viscount *Melbourne* was sure that the House would excuse him, and so would the noble Marquess if he confined himself to the mere answering of the questions that had been put, and not go very largely into his general argument. The noble Marquess had very justly observed, that the whole policy of the question had been discussed very much at length already in that House; and also, that it had been very fully and amply, and he begged leave to remind their Lordships, not only discussed by themselves, but also in the other House of Parliament. With respect to what would be the policy pursued, the renewing the Order in Council, he apprehended was a sufficient answer to that question. At the same time he begged leave to say, that the renewal of the Order in Council, whatever might be thought by all who were originally opposed to it, was not precisely the same thing to be considered as if it were now for the first time made. Their Lordships were aware, that it was not very easy to depart from a line of policy once adopted; and that such a course would be attended with very great inconveniences. Having induced men to enter into a particular service, by exempting them from the penalties of an Act of Parliament, when those persons felt themselves bound to the same service by feeling, by honour, or by interest, to turn round upon them, by renewing the same severe penalties from which they had been exempted, and thus to compel them to withdraw from that service, could hardly be justifiable, whatever might be the consequences of continuing the present policy. He would add, too, it would hardly be justifiable to the Spanish government, to give to all Europe an example of such marked abandonment of its cause at such a moment; and he felt, also, that such a course could not be consistent either with the engagements entered into or with the honour of his Majesty's Government, or the good faith of this country. He thought the original issuing of the Order in Council might have well been objected to: but still he thought it by no means the same question, the renewing the Order in Council; and, in fact, it would have been liable to great objection not to have pursued that course. If it had not been done, it would have been a blow inflicted upon the Spanish cause, and it would be a desertion and abandonment of the engagement into which the Government had entered. If the noble Lord had informed him of any particular despatch with respect to which, or for which, he intended to call, then he should have made it undoubtedly his business to inform himself more distinctly as to its existence. The noble Lord had said, that he probably would not answer him upon a particular point upon which he made inquiry—whether there was or not a distinct intimation from the King of the French, of his confining himself to the Quadruple Treaty. Not only now, but at all other times, they never had any other intimation from the King of the French, than that it was strictly and truly his intention to execute that treaty, and to confine himself to the letter of that treaty; and he begged also explicitly to tell the noble Lord, that all they ever required from the government of the King of the French was, that it would execute that treaty. But there was one matter upon which he could give to the noble Lord the most satisfactory and explicit answer, and that was, that the Government of the King of the French had most distinctly disavowed the interpretation of the terms and the expressions put into the speech of the King of the French —it was not their intention, and, furthermore, it did not enter into their imagination, to cast any imputation, to utter any reproach, or to throw any blame on the government of England, by the expressions which they had advised the King to use, and to employ upon that occasion. The noble Lord had said, that there was a pertinacity in adhering to the course they were pursuing, that there was obstinacy in it, and that there was a violent and bigoted attachment to the system that they had adopted, while he must say, notwithstanding the difficulties that were to be encountered, and the dangers to which they might be exposed, what they adhered to with tenacity, and what they always had adhered to, and what he hoped they would adhere to, was the execution and fulfilment of the treaties extered into by this country. That was the obstinacy—that was the pertinacity—displayed upon this occasion, and no other. The noble Lord said, that he had denied the accuracy of his statement upon a former occasion. He did not recollect the particular statement to which the noble Lord referred, but all he did upon a former occasion was, to hope that the result would be different from that which the noble Lord declared it would be; and he took the liberty, in the same way, in differing with the noble Lord in his expectations of the result of the war upon the present occasion, as he had upon a former. With respect to the specific question which had been moved by the noble Lord, he would say, that it was very well known that the Order in Council suspended the operation of the Foreign Enlistment Act, and permitted persons to engage during the period of another year. He begged to say, that Colonel Wylde had no specific instructions as to the reconstruction of the Legion. He was not aware whether there were any specific dispatches relating to that subject on which their Lordships were all so deeply interested, namely, the attempts which had been made to mitigate the sanguinary character of the war in Spain; but he could confidently say, that every possible exertion had been used by the persons in the employment of the British Government, and more particularly by his Majesty's Minister at Madrid, to induce a more humane mode of carrying on the war. He thought, however, that the noble Lord took much too partial a view of one side, when he supposed that the Durango decree would have been abandoned, as a matter of course, if the forbearance he had spoken of had been practised by the other side. He begged to say, that there never had been the slightest appearance of any disposition on the part of Don Carlos, to withdraw that decree, or to relax its severity; on the contrary, it was acted upon in the most sanguinary and merciless spirit, whenever the opportunity presented itself. He would further remark, that there was a great difference between the barbarities committed under the Durango decree, and any barbarities which might have disgraced the Queen's troops, because they were contrary to the wish of the Government. They were against its will and orders, and were the result of the violence and ferocity of the generals and troops themselves; but the barbarities under the decree were the act of the Government—they were the act of that man who called himself King of Spain. He could pledge himself, that every possible effort had been made to produce that result so strongly felt by their Lordships to be in the highest degree desirable.

The Duke of *Wellington* said, that when he saw his Majesty's Government lending their sanction to his Majesty's subjects engaging in the service of a foreign power, he concluded that their services would be given under certain engagements on the part of that power, and certain terms in favour of the individuals, whether officers or private soldiers, who rendered their services. Now, he wished to ask the noble Viscount, as a Minister of the Crown, whether it was desirable that an agent of his Majesty's Government acting with the army on the Spanish frontier should have gone and interfered in those arrangements and engagements, and should, so far as his own conduct went, for he would not go further than that, have given those individuals cause to believe that those arrangements were sanctioned and guaranteed by his Majesty's Government. He thought that if this officer had taken upon himself to interfere in an arrangement of this description, without the authority of his Majesty's Government, he had done what he ought not to have done. He was an officer employed at the head-quarters of one of the Spanish armies by his Majesty's Government for the purpose of giving them intelligence of the operations that were expected to take place in the course of the war. It was quite right that he should give that intelligence, and that he should be on the best terms with all those who were engaged in those operations, but an interference on his part with his Majesty's subjects, either in assisting to form a fresh Legion, or in any other manner which would induce them to enter into a foreign service, exposed the Government of this country to be sued and called upon to make good the engagements which its agent had been instrumental in forming. He really hoped that the noble Lord was mistaken in supposing that Colonel Wylde had taken any part in the formation of a fresh Legion, but he must say, that if he had taken that course he had done what he ought not have done.

The Earl of *Carnarvon* assured their Lordships that it was with sincere pleasure that he heard the noble Viscount at the head of his Majesty's Government declare that he would use his strenuous endeavours to humanize that most sanguinary warfare which had so long disgraced Spain and civilized Europe, and which he wished to God had never sullied the page of its history. He sincerely trusted, from what had fallen from the noble Viscount, that there was some kind of lurking repentance in the mind of his Majesty's Ministers. Their conduct with regard to the Basques had given him as much pain as if he had experienced a personal misfortune. The noble Lord had said, that the Government would not be consistent with respect to its engagements with Spain if the order in council was not renewed. Now, when he looked at the history of the contest in Spain for the last year, he really could not see any thing which would entitle that country to the particular attention of his Majesty's Ministers. The noble Viscount had also said, that the Spanish generals and soldiers had persevered in the execution of their acts of cruelty in defiance of the Spanish government. Now, he believed, that in many instances the instructions given by the Spanish government were exceeded by the generals and troops who professed to yield obedience to its orders; but he also believed, and his information was derived from sources that he could not doubt, that those instructions were to carry terror into the revolted provinces by the most unsparing execution of the last penalties of the law. Granting, however, that the noble Viscount was right, and that the Spanish government wholly disapproved of the severities practised by its generals, were we at an expense of so much blood and treasure as had been lavished in the prolongation of this contest, to continue our assistance to a government which was so utterly powerless as that of Spain had proved itself to be? He could not but consider as worthy of imitation the policy pointed out by the King of the French in his speech at the opening of the present session of the French Chambers, when he said that France would only arm when French interests were concerned, and that her sons should march to battle only under the glorious banners of their native country. He perfectly agreed with his noble Friend who spoke so energetically at the commencement of this discussion, in the abhorrence which he felt at this mode of warfare, and the manner in which the English name had been mixed up in this contest. He lamented that so many brave Spaniards had died on British bayonets at Irun, not exactly in cold blood, but still after the town had surrendered. After all that had occurred he must say, that he thought that the order in council ought not to have been renewed. We ought to have known what arrangements had been made in favour of the Legion, when we knew all that it had suffered during its former period of service. Could they, knowing what had passed, believe that the Legion would have regular pay, and not only regular pay, but also that fair treatment and usage which a force encouraged to enlist by the Government of this country had a right to expect, and which the British public had a right to demand for them? When he looked at the state of the Legion for the last two years, he saw that the officers were without authority, and the men without discipline, imbibing in many instances the ferocious habits of those with whom they were combined. Without meaning any disparagement to the officers, he could not help saying, that in his opinion that force ought not to be permitted to compromise the military character of England. He did not believe that we were authorised to send out persons to fight the battles of a foreign power when we had no just cause for doing so. The honour of the country was deeply implicated in what had occurred recently in Spain. No distinction was drawn by the natives of that country between a regular British force and the Legion; and all that was known in Spain generally was, that a body of Englishmen in arms had experienced some of the greatest reverses in that country which it had been our fate to sustain for a long period of time. The national interests had in consequence suffered, and our military glory had been obscured; operations had been undertaken, the extreme injustice of which it was impossible to overrate, and although the success of them might have dazzled opinion, yet that would have been a poor compensation for a great departure from sound policy. The point, however, which he considered most objectionable in the conduct of His Majesty's Government was, that they had no settled views of policy on this subject, but that they had been wafted from one indiscretion to another by the changing circumstances of the war. What he complained of, and what the Basques had a right to complain of, was this—that they had never been able to know what were the real intentions of His Majesty's Ministers. In the beginning of the war they disclaimed all intention of dictating as to the mode in which the war was to be carried on. Our assistance to Spain was limited by the treaty, and by the additional articles, to a naval co-operation, which could only be afforded by a blockade of the coast. This treaty was followed by the formation of the Legion, and that step was supported by sending out the marines to co-operate with the forces of the Queen of Spain, in opposition to the population of the Basque provinces, whose heroism and devotion had no parallel in history. It appeared to him that there would not be found any provision in the treaty which justified the kind of military co-operation which under a forced interpretation had been brought to bear on this unfortunate people. He lamented most deeply that any inconsistency should be found in the language employed when debating these subjects, by any members of His Majesty's Government. In the collision of party these inconsistencies of language might be looked upon as mere breath, but they were often replete with misery and ruin to others. If the report of the speech attributed to M. Molé in the French Chambers was correct, in 1835 France did apply to the Court of St. James's to know whether the English Government was willing to co-operate with her in a military intervention in Spain. It was stated that England refused, alleging that it was not a *casus fœderis*. Subsequently, however, England was found quite ready to co-operate, and had actually interfered. Now, was it fair, was it just, to trifle in this manner with the feelings of men who believed that they had taken up arms in the defence of their lawful Sovereign? How many individuals who had staked their fortunes, and risked their families on the issue of this civil war, would have paused before they rushed on the perils of that encounter, if they had known what were the intentions of the British Government. If His Majesty's Ministers were determined upon interfering they should have said to the Basques, "Although you are exhausting your families which they were, and sending out child after child to die in the defence of his country, we must entreat you to cease from this hopeless and useless contest, because, although you are shedding your blood (and blood had been poured out like water), yet in the fulness of time, when we think it most fitting, we shall interfere to establish such a state of things as without our assistance the Spanish Government can never hope to establish, and which must consign you, if you persevere, if not to the scaffold, at least to exile, accompanied by the total loss of the property which you may possess." He must stop here; there were some other points to which he wished to have called their Lordships' attention, but he should not be able. [The noble Lord was exhausted.] He must, however, advert, though it was a very delicate subject, to the disposition of the continental powers towards England with reference to the Spanish contest. He did not wish to say anything that could be construed into a manifestation of a desire to precipitate convulsions; but he must say, that the peace of Europe could only be preserved by a system of mutual—which he did not call dishonourable—forbearance and compromise. Now, he thought that the northern powers had, in respect to Spain, evinced very great forbearance indeed: and he thought it became his Majesty's Ministers, not to tempt that forbearance too far, lest they kindled the flames of a general war. For what purpose did His Majesty's Government interfere? Why, only to support what, if there was a spark of vitality in its composition, must be kept alive by the Spanish people themselves. The constitution of Spain might boast of very little political wisdom, but their Lordships must recollect that the people of Spain were not mere novices in constitutional struggles. He was convinced that our interference could produce no good result; but he wished to know whether by that unfortunate treaty into which His Majesty's Ministers had entered, they had not implicated the Government of this country in difficulties of which they could not see the extent or limit. Suppose the civil war in Spain was to go on for ten or fifteen years—and who that knew Spain and Spaniards would say that the contest might not be continued for a longer period?—would the people of this country, oppressed as they were with public burthens year after year vote sums out of the public money to continue a murderous strife which brought no glory, and in which they had no imaginable interest? It was observable, too, that in all this business his Majesty's Government had only professed to expect some general possible, and remote advantage to this country. He trusted that after all that had been said, His Majesty's Ministers would restrict their interference in Spain within the narrowest limits that it was possible to set out. He was quite sure that the path of policy and the path of honour lay in that direction. Such a course would be more conducive to the peace of Europe—such a course would be better for England and would be better for Spain.

The Earl of *Minto* must say one or two words on the most ungenerous treatment which had been bestowed on the brave men under the command of General Evans, who had acted with a degree of forbearance and humanity—and on this he would appeal to the noble Duke (Wellington), whose fairness and generosity he acknowledged—of which he knew few examples in history. It had been the fashion in the debates of last year to say, that these men would, if they continued in the Spanish service, come home half savages, and that they would be unfit for the society of their friends. He asked whether there was any thing in the conduct of those men which indicated a probability of such behaviour? and he would observe, that, notwithstanding all that had been said with respect to the disgrace which had been suffered by the British name, in consequence of the atrocities which had been committed, not one word had been said of him who had been the author of these cruelties. The noble Earl who had last spoken, adverting to the conduct of the British Legion at Irun, said, that soldiers of the Spanish garrison fell upon British bayonets not before the surrender, but after the victory had been gained. Now, he thought it due to that corps to read the official despatch of Lord John Hay, or at least the concluding sentence of it:—"This important fortress surrendered on the 18th inst., and I have the greatest satisfaction in bearing testimony to the respect which was paid to the persons and property of the inhabitants by her Majesty's troops." In a private letter accompanying that despatch, after complimenting the gallantry displayed by the troops on that occasion, Lord John Hay said, "Every possible respect was paid to the persons and property of the inhabitants, not a man was killed after the town had surrendered, and it is wonderful that the Legion kept their temper so well, as the day before they left Hernani five of the corps were taken and shot by the Carlists." If he wanted any other document he would refer to the letter drawn up by the garrison of Irun, and addressed to Don Carlos, in which they stated, that 700 families were indebted for the lives of their relations to the forbearance of the British troops, and in which they requested in the most emphatic and impressive manner, that their barbarous Sovereign would repeal the cruel order which he had given.

The Marquess of *Londonderry*, in reply, asked, did the noble Earl suppose that noble Lords on his (the opposition) side of the House approved of, or did not look with horror upon, the sanguinary conduct of the Carlists? He maintained, however, that the Christino generals, at the commencement of the war, led the way to these atrocities. But what had been the course taken by his Majesty's Government? He would fearlessly declare, that they had not used their best efforts to insist upon the Spanish government giving an example of humanity, which, if they had set, he would take upon himself to say, would have been immediately followed by those who were opposed to them. With respect to the services of the Legion, he had never touched upon them. As a soldier he should be very sorry to judge these questions if he had not all the grounds for forming an opinion before him. He might have an opinion upon the despatches which had been published, but they might not contain a correct account of what had happened. Looking, however, at those despatches, he must say, that it appeared to him that if it had not been for the gallant seamen and the distinguished corps over which the noble Earl (Minto) presided, the Legion might have been placed in a very difficult situation. The Legion was in confusion; the columns were in disorder; they were clogged, they could not deploy, and, by mistaken directions, they had been placed in positions in which they were rendered useless. If the noble Viscount argued upon military details, he might hear opinions he was not prepared for.

Subject dropped.

HOUSE OF COMMONS,

Thursday, June 15, 1837.

MINUTES.] Petitions presented. By Lord W. BENTINCK, from Glasgow, against Prisons Scotland Bill; and for Steam Communication with India.—By Colonel VERNER, from Armagh, for an inquiry into the system of education pursued at Maynooth.—By Captain M. BERKLEY, from Gloucester, for amendment of the Libel Law.—By Sir R. DONKIN, from Berwick upon Tweed, against Boundaries of Boroughs Bill.—By Mr. HUME, from Glasgow, Dundee, and other places, for an extension of the Suffrage; and for the abolition of the property qualification for Members of Parliament; and from Marylebone, that they might not be obliged to pay their rates so close as hitherto.—By Sir SAMUEL WHATLEY, from St. Pancras, for the Ministerial plan for the abolition of Church-rates. By Sir GEORGE SINCLAIR, from places in Scotland, for a due Observance of the Lord's-Day.

ORANGE LODGE COMMITTEE.] Sir *R. Bateson* presented a petition on the subject of the motion which he brought forward yesterday, that leave be given to the clerk of the Orange Lodge Committee (1835) to attend and give evidence in the Court of King's Bench, Ireland, in the case of Gore Jones v. Hunter and others. He begged hon. Members to recollect that the trial to which the petition referred was to come on in the Court of King's Bench in Dublin on Monday next, and that it could not be postponed. The defendant, he was informed, did not possess the power of putting off a trial

The *Speaker* said he had very little more to observe with respect to the present motion, except to repeat what he had said before. It was now for the House to decide whether they would proceed further in this matter or not. It was for them, then, to decide whether or not they would afford increased facilities to the proceedings of Courts of Justice. In all cases where Members consulted him, he uniformly gave his advice in favour of their not refusing their aid to the administration of the law. As Members of that House he thought they were bound to give every facility in their power. With respect to the motion then before them, he had only to recommend the House now to determine whether or not they would enforce the strict rule.

Viscount *Morpeth* said, he had not the least objection to the motion, and thought that the sooner the House gave its permission the better.

Sir *R. Bateson* replied, that after what had fallen from the noble Lord opposite, he should not say another word, further than to observe, that in bringing forward the proposition he had not been actuated by any party motives but by a sense of justice alone. The hon. Baronet made a motion in accordance with the prayer of the petition.

Mr. *Hume* opposed the motion, considering that no sufficient reason had been shown to induce the House to comply with the prayer of the petition. He thought that they ought not to encourage legal proceedings against persons who might give evidence to that House; the position in which such persons stood was most peculiar, and due regard ought to be had to the circumstances; he therefore objected to the motion.

Mr. *O'Connell* differed from his hon. Friend the Member for Middlesex for he thought that the House ought to give facilities to parties who desired to supply evidence on matters of fact, and he requested hon. Members to recollect that in this case the evidence was required for the defence. He was clear in the opinion that the House did possess the privilege of printing and publishing evidence given before it; but, notwithstanding that undoubted right, he was equally clear in the opinion that the present was not a case in which the required permission ought to be refused. Surely if any person had stated that which was false an opportunity should not be denied of contradicting that falsehood.

Mr. *Roebuck* observed that the hon. and learned gentleman opposite had said that the libellous character depended on the occasion. He thought that nothing ought to be brought against a man which he said under the protection of the house. One man might say to another, "You said something against me." The other replies, "True, but it was said under compulsion." The House, which exercised the power of compulsion, ought to protect those who gave evidence before it on matters in which the nation had a great interest.

Motion agreed to.

ADMISSION OF LADIES.] Mr. *Grantley Berkeley* considered it his duty to press this question not only on account of its merits, but also because resolutions in favour of it had been formerly come to and reported to that House, and he did not think these should be set aside by evasion and delay. He called on the House to assert its just prerogative, and carry these resolutions into effect; for if they did not they wo ld afford a precedent for setting aside other resolutions of more grave consideration. The subject was so well understood that he need not enter further into it. One circumstance in this case certainly appeared rather odd, and that was, that numbers who formerly opposed it had now so widely changed, that while he would have been satisfied with a grant of 280*l.*, they were disposed to grant 400*l.*, for what purpose he could not see, unless to create enemies to the measure. He thought, however, no one would object to set apart a portion of the gallery for the ladies. As to the presence of ladies being objectionable, he would ask, when they had a bouquet of flowers in their chamber, did they not find the air sweeter? He would move an "address to his Majesty, praying that he will be graciously pleased to give directions for the immediate carrying into effect the recommendation of the Select Committee appointed in 1835, relating to the best means of setting apart a portion of the strangers' gallery for the admittance of ladies, both in the present and the new Houses of Parliament."

Captain *Chetwynd* thought the measure reflected great credit on the gallant mover, and he had no doubt it would be carried by a large majority. A Committee had been appointed who reported in favour of the ladies, and their recommendation when proposed to the House, was rejected by the smallest majority. On a later occasion the House agreed to the resolution proposed by his gallant Friend. He trusted that resolution would be adhered to by a reformed Parliament. It was urged against the measure, that ladies had no desire whatever to attend; but could that be said with truth, when, in the old House, they condescended to sit down in a place called the lantern—a treatment quite disgraceful on the part of the House; and if the ladies were ready to sacrifice their comfort to gratify their curiosity by viewing the proceedings of the House secretly, how much more gratifying to them would it be to be allowed to do so openly: another objection was, that the presence of the ladies would lengthen the debate, and induce Members to enlarge on subjects, and cause considerable delay. But he thought hon. Members would be less likely to talk nonsense in the presence of ladies, and secondly, he was convinced that those personal and severe animadversions which he regretted so frequently took place in that House would be considerably abated, if not altogether avoided. Their admission, therefore, would tend to facilitate rather than retard the business of the House.

Ladies were admissible into the other House of Parliament, whose rights and privileges he should be always ready to advocate and support; but if their Lordships should lay claim to a greater degree of gallantry than that House, he should feel very jealous of them. With these views he begged leave to second the motion of his gallant Friend.

The House divided :—Ayes 92 ;—Noes 116: Majority 24.

List of the AYES.

Aglionby, H. A.
Bagshaw, J.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Bateson, Sir R.
Berkeley, hon. F.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Bish, T.
Blake, M. J.
Boldero, H. G.
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Buller, C.
Castlereagh, Viscount
Chapman, L.
Chichester, A.
Clayton, Sir W.
Cowper, hon. F.
Crawford, W. S.
Darlington, Earl of
Dick, Q.
Divett, E.
Dundas, J. D.
Eaton, R. J.
Etwall, Ralph
Fenton, J.
Fergusson, R. C.
Freshfield, J. W.
Gaskell, Daniel
Gaskell, James Milnes
Goring, H. D.
Grattan, H.
Grote, G.
Guest, J. J.
Hawkes, T.
Hay, Sir A. L.
Hindley, C.
Hogg, J. W.
Hume, J.
Humphery, John
Jervis, John
Lefroy, Anthony
Lennox, Lord George
Lennox, Lord Arthur
Maher, J.
Miller, W. H.
Molesworth, Sir W.
Musgrave, Sir R.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R. M.
Parrott, J.
Parry, Sir L. P. J.
Pechell, Captain
Polhill, Captain F.
Poulter, J. S.
Power, J.
Richards, R.
Robinson, G. R.
Roche, W.
Roebuck, J. A.
Ruthven, E.
Seale, Col.
Sheil, R. L.
Sibthorp, Colonel
Smith, B.
Strickland, Sir Geo.
Talbot, J. H.
Thomas, Colonel
Thompson, Colonel
Tulk, C. A.
Twiss, H.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Ward, H. G.
Wason, R.
Westenra, H. R.
Whalley, Sir S.
Whitmore, T. C.
Williams, W.
Williams, W. A.

TELLERS.
Berkeley, G.
Chetwynd, Captain

List of the NOES.

Angerstein, J.
Arbuthnott, H.
Bailey, J.
Barclay, C.
Bentinck, Lord W.
Blunt, Sir C.
Borthwick, Peter
Branston, T. W.
Brownrigg, S.
Buller, Sir J. Y.
Burrell, Sir C.
Chaplin, Colonel
Chapman, A.
Chisholm, A. W.
Clive, Edward Bolton
Colborne, N. W. R.
Cole, Viscount
Collins, W.
Conolly, E. M.
Corbett, T. G.
Corry, rt. hon. H.
Crawley, S.
Crewe, Sir G.
Dillwyn, L. W.
Dugdale, W. S.
Dundas, hon. T.
Ebrington, Viscount
Ellice, E.
Elphinstone, H.
Fazakerly, J. N.
Fergus, J.
Ferguson, Sir R.
Ferguson, R.
Fitzroy, Lord C.
Fitzroy, hon. H.
Folkes, Sir W.
Forster, C. S.
Fremantle, Sir T.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grey, hon. Col.
Hamilton, Geo. A.
Harcourt, G. S.
Heathcote, G. J.
Herries, hon. J.
Hillsborough, Earl of
Hodges, T. L.
Hope, J.
Houstoun, G.
Howard, P. H.
James, W.
Johnstone, Sir J.
Irton, Samuel
King, E. B.
Knight, H. G.
Labouchere, H.
Lemon, Sir C.
Longfield, R.
Lowther, J. H.
Lushington, C.
Lygon, hon. Gen.
Mackenzie, T.
Mackinnon, W. A.
Mactaggart, J.
Mangles, J.
Manners, Lord C. S.
Marsland, T.
Maule, hon. F.
Maunsell, T. P.
Mordaunt, Sir J.
Morpeth, Viscount
Mosley, Sir O.
Packe, C. W.
Parker, M.
Patten, J. W.
Pattison, J.
Philips, G. R.
Ponsonby, J.
Pusey, P.
Rooper, J. B.
Ross, Charles
Rushout, G.
Russell, C.
Russell, Lord John
Ryle, J.
Sanford, E. A.
Scott, J. W.
Seymour, Lord
Sharpe, General
Shaw, rt. hon. F.
Sheppard, T.
Sinclair, Sir George
Somerset, Lord G.
Stanley, Lord
Stanley, W. O.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Thomson, C. P.
Tooke, W.
Trevor, hon. A.
Verney, Sir H.
Vivian, J. E.
Walker, Richard
Wallace, R.
Warburton, H.
Wemyss, Captain
West, J. B.
Weyland, Major
Wilbraham, E.
Williams, R.
Williams, Sir J.
Wodehouse, E.
Young, G. F.
Young, J.

TELLERS.
Loch, J
Stanley, E. J.

LETTER CARRIERS.] Captain *Polhill* rose to move, that the petition of the Twopenny post carriers, which he had presented on the 14th of April, be referred to a Select Committee. The nature of that petition was already known to hon. Members, whose support as well as that of the Government he hoped it would have. The petitioners were a body of men who underwent very great hardships, for which they were badly remunerated. During the severe weather of last winter, for instance, they had not only performed their own but a considerable portion of the general postman's duty, for which extra labour they had not received any compensation. Now, he was of opinion that they should be paid a higher salary than the general postmen, and that their numbers should be increased. They were obliged to work twelve hours a-day during six days of the week, for which they were paid but 20*s.*, without being able to enjoy their meals at home. Then with regard to superannuation, they had nothing to look to in their old age, after having been worn out in the public service, but the retiring pittance of 9*s.* a-week,—a sum he conceived to be quite insufficient. Under these circumstances he hoped the Government would take the subject into consideration.

Lord *Seymour* opposed the motion, and observed, that comparing the pay of the twopenny-post carriers with that of many other classes of persons in the same sphere of life, it was quite sufficient. They had this advantage besides, which many others did not enjoy—that during illness, they were paid 11*s.* a-week, and for extra duty 4*s.*

Mr. *F. Baring* thought, that that House ought not to encourage applications for an increase of salary from parties who had their own office to go to in the first instance. If they found that their complaints were not attended to by the Postmaster-General, then they might be justified in appealing to that House. The salary paid to the twopenny letter-carriers in the year 1800 was much lower than it was at present. In 1812, it was raised to its present amount, a period, it should be recollected, at which the price of labour and provisions was much higher than it was now.

The House divided:—Ayes 19; Noes 35: Majority 16.

List of the Ayes.

Aglionby, H. A.
Bonham, R. F.
Crawford, W. S.
D'Eyncourt, C. T.
Duncombe, T.
Forbes, William
Gaskell, James Milnes
Hamilton, G. A.
Lowther, J. H.
O'Connell, D.
Perceval, Col.
Scholefield, J.
Sinclair, Sir G.
Trevor, hon. A.
Vigors, N. A.
Wakley, T.
Wallace, R.
West, J. B.
Williams, W.

TELLERS.
Polhill, Capt.
Sibthorp, Col.

List of the Noes.

Baines, E.
Baring, F. T.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Callaghan, D.
Campbell, Sir J.
Dillwyn, L. W.
Fergusson, R. C.
Fitzroy, Lord C.
Hindley, C.
Howard, P. H.
Humphery, J.
Knight, H. G.
Mosley, Sir O.
O'Brien, C.
O'Ferrall, R. M.
Parrott, J.
Philips, G. R.
Plumptre, John P.
Rice, T. S.
Richards, R.
Roebuck, J. A.
Russell, Lord J.
Stanley, E. J.
Stuart, V.
Thompson, Colonel
Thornley, T.
Verney, Sir H.
Vivian, J. E.
Walker, R.
Warburton, H.

TELLERS.
Seymour, Lord
Parker, J.

Hanwell Lunatic Asylum.] Mr. *Gally Knight* rose to move for the appointment of a Select Committee to inquire into the Asylum for Lunatic Paupers at Hanwell. If it could be shown that sufficient attention was not paid to the management of the lunatic paupers at that establishment, it was the duty of the House to institute an inquiry into the circumstances of the case. It appeared by the returns, that a much smaller number of the persons received at the Hanwell Asylum were cured than at any other similar establishment in the kingdom. Indeed, the difference was frightful, and demanded investigation. And even the returns of the numbers cured at Hanwell were fallacious. In the Report made by the medical superintendent to the magistrates, it was stated, that out of 1,290 patients admitted, 260 were discharged cured; but it afterwards appeared, that of those 260, a number had been discharged as cured over and over again; and that, at the very moment when the Report was made, twenty-seven of them were, uncured, within the walls of the asylum. The deaths, also, were more numerous than in similar establishments; in fact, there were only half the number of cases, while there were twice the number of deaths at Hanwell than at any other establishment of a similar kind in the kingdom. The expenditure had also been lavish. From the beginning, the greatest improvidence had been manifested. The building had cost 224,000*l.*; and great improvidence had been shown in the manner in which the funds had been raised for the erection and the subsequent increase of the institution. Under all the circumstances, he considered it to be exceedingly desirable that some Parliamentary inquiry should take place; and he moved, therefore, for the appointment of a Select Committee for that purpose.

Sir *G. Strickland* seconded the motion. At the same time, he hoped that the result of the proposed inquiry might be more favourable than was to be inferred from the statements which had been made by the hon. Mover. One reason for his entertaining this expectation, was the very high character which he had heard in all quarters of Dr. Ellis. He was very unwilling to believe, unless inquiry should show it to be so, that that character was not well founded.

Mr. *C. Barclay* thought it highly desirable that an inquiry should be instituted not only into the asylum in question, but into that of all institutions of a similar description in the kingdom. Although quite unconnected with the county, he had paid a visit to the Hanwell Asylum; and he thought it would appear that, at least, some of the statements which had been made with respect to it were exaggerated. The comparatively small number of cases was mainly attributable to the circumstance that a great number of incurable cases were sent to the institution. Out of 600 cases he understood that 500 were incurable. It appeared to him that the establishment was well conducted. He had gone round the apartments; and the House would, perhaps, be surprised to hear, that out of 600 inmates 400 were employed in their various trades as shoemakers, carpenters, &c. He was sure, that a Committee would meet the wishes of the country at large, and of the county of Middlesex in particular.

Mr. *Wakley* knew nothing personally of the Hanwell Asylum; but he had heard, from all quarters, that it was conducted in a more scientific manner than any other institution of a similar kind in the kingdom. The motion of the hon. Gentleman was expressed in a very loose manner. "A Select Committee to inquire into the asylum for lunatic paupers at Hanwell." Into what? Into the financial or the medical management of the asylum? If into the latter, why not extend the inquiry to other institutions of the same description, that the treatment of that which appeared to be the most successful might be generally adopted? It was too late to enter upon so extensive an inquiry in the present Session, as it was next to impossible that a satisfactory result could be obtained; but he wished the hon. Gentleman would withdraw his motion, and bring it forward in that enlarged shape at the commencement of the next Session.

Colonel *Wood* regretted the absence of the two Members for the county of Middlesex. He did not often agree with the hon. Gentleman who had just spoken, but he agreed in every word that had fallen from him on the present occasion. If the inquiry were limited to the Hanwell institution, it would be filing a bill against the managers of it. The inquiry, if entered into at all, should be into the condition of all the institutions of a similar kind in the kingdom. The quarter from which the proposition proceeded was an odd one. It proceeded from the vestry of the parish of St. George, Hanover-square. Now, it was the treatment of the pauper lunatics belonging to that parish which had led to the building of the asylum at Hanwell. Two pauper lunatics who had been sent to a private asylum by that vestry, appeared before the gentlemen composing it, and proposed, if they were assured that they should not be sent back to the same asylum, to prove how they had been treated. He would not state the name of the asylum to which he alluded, but it appeared that these pauper lunatics had been chained down in it, almost in a state of nudity, from Saturday to Monday, with scarcely any attention during the whole of that period. On inquiry, it appeared that there was a ward in that asylum of which the physician knew nothing. So shocked was the vestry at the disclosure of these circumstances, that their first impression was to remove all the pauper lunatics of the parish from the asylum in question; but the other private asylums were so crowded that it was found impracticable to obtain the necessary accommodation. This led to an inquiry into the number of pauper lunatics in Middlesex, and he was sorry to say, it appeared, that there were 1,100. A bill for the erection of county asylums for pauper lunatics was introduced by the hon. Member for Cricklade; and the consequence was, that the magistrates of Middlesex built the asylum at Hanwell. In the first instance, it was calculated for only 300 patients; but it was afterwards enlarged to contain 600. In the county of Middlesex, however, there were at present between 900 and 1,000 pauper lunatics. He was quite sure, that if his hon. Friend had visited the Hanwell Asylum, and had compared the management of it with the management of other institutions of a similar kind, he would not have made his present motion. If the active and excellent magistrates, such as Colonel Clitherow and others, who exerted themselves greatly in superintending the Hanwell Asylum, were thus to be dragged before a Committee above stairs, and overhauled, it would deter every body from engaging in such useful labours. He believed that lunacy was a malady from which as many persons could be recovered as from any other malady; but then it could be only by proper treatment; and they could not experience so much attentive and careful treatment in any private asylum as at Hanwell. He hoped that the hon. and learned Gentleman would withdraw his motion, and remodel it for an early period of the next Session.

Lord *John Russell* said, he must confess that the reasons which had been alleged in favour of the appointment of this Select Committee, when taken and compared with the answers which had been given with respect to this asylum, did not afford sufficient ground for this motion. The hon. Gentleman had not adduced any facts of gross mismanagement or of inferior treatment in the establishment at Hanwell. He thought it would not be desirable to limit the inquiry into this particular asylum. The law which had been passed allowing these lunatic asylums to be built in various parts of the country had hitherto worked most beneficially. The want of these houses originally had led to a state of things which he might term most disgraceful to the country. Now, the Act of George 4th, and the inquiries of the Commissioners of Poor-law might very possibly form the foundation of some further proceedings on this question; but he did not think, that under existing circumstances, there was anything to call on the House to appoint a Select Committee in this case; and, therefore, he hoped that the hon. Gentleman would not insist on this inquiry.

Motion negatived.

COMMISSIONS.] Colonel *Sibthorp* said, the increase of Commissions appointed by his Majesty's Government had gone on to an alarming length, and the expense to the country had increased in a corresponding ratio; and yet, from what he learned, it was the noble Lord's intention to continue it. By a return which he had moved for in the year 1836, it appeared, that the expenses of these Commissions amounted to no less a sum than *553,556l. 2s.* This was the amount of the original return. Since then another return had been made by which it appeared that ten Commissions had been added to the former number; that upon the whole there were forty-nine Commissions at present in existence; and that altogether, there were 367 paid Commissioners, clerks, &c. The cost of one Commission which was still going on was very great. They had the Ecclesiastical commission, the Irish poor commission, the Poor-law Commission — the expense of these amounted to 38,461*l.* The whole expense of these Commissions amounted to *561,333l. 4s. 8d.* The Record Commission, which had cost the country half a million, had left the Records in a worse state than they were before. It was the duty of the Government, who proposed (but who did not practise) economy, to make this inquiry. The hon. and gallant Member concluded by moving for a Select Committee to inquire into the present state of the various public commissions, with a view of considering how far it may be expedient and practicable to make an alteration in the number, and consequently diminution in the enormous expenses of the same.

Mr. *Francis Baring* opposed the motion. A Committee of Inquiry must be quite unnecessary, all the facts connected with the existing Commissions being already before the House. The hon. and gallant Member had not brought any direct charge against any particular Commission, but had confined himself to a general complaint against all, and had said a good deal about jobs, yet the only job to which he particularly referred was that of the Record Commission, which, if it were a job at all, was a job that had existed ever since the days of Mr. Pitt; the Record Commission having been appointed by that famous statesman.

The House divided.

Ayes 20; Noes 74; Majority 54.

List of the AYES.

Archdall, M.
Blackstone, W.
Bonham, R. Francis
Chichester, A.
Eaton, R. J.
Fielden, J.
Gaskell, Jas. Milnes
Halse, James
Harcourt, G. S.
Longfield, R.

Mackinnon, W. A.
Maunsell, T. P.
Palmer, R.
Perceval, Col.
Polhill, F.
Sinclair, Sir G.
Smyth, Sir H.
Trevor, hon. A.
Walter, J.
West, J. B.

TELLERS.
Sibthorp, Col.
Forbes, C.

List of the Noes.

Aglionby, H. A.
Attwood, T.
Baines, E.
Baring, F. T.
Baring, W. B.
Bernal, R.
Bewes, T.
Boldero, H. G.
Bowring, Dr.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Buller, E.
Chalmers, P.
Chapman, L.
Collins, W.
Divett, E.
Fergus, J.
Folkes, Sir W.
Gully, J.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Howard, R.
Howard, P. H.
Humphery, J.
James, W.
Ingham, R.
King, E. B.
Lennard, T. B.
Lennox, Lord G.
Lister, E. C.
Lushington, C.
Lynch, A. H.
Macleod, R.
Mangles, J.
Melgund, Viscount
Morpeth, Viscount
Mosley, Sir O.
Murray, J. A.
Musgrave, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
Parker, J.
Parnell, Sir H.
Parrot, J.
Parry, Sir L. P. J.
Pendarves, E. W.
Pusey, P.
Roche, W.
Roebuck, J.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Sandon, Viscount
Scholefield, J.
Stanley, W. O.
Stuart, V.
Strickland, Sir G.
Thompson, Colonel
Thornley, T.
Verney, Sir H.
Villiers, C. P.
Walker, R.
Wason, R.
Whalley, Sir S.
Williams, W. A.
Wood, Alderman
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Young, G. F.

TELLERS.
Maule, hon. F.
Steuart, R.

Public Revenues and Accounts.] Dr. *Bowring* moved, in pursuance of notice the following resolution:—"That for the proper security of the public revenue, and for the purpose of giving to Parliament that authority and control which it ought to exercise, it is necessary that the gross receipts of all the departments of the revenue should be paid into the Exchequer, and that no department should be allowed to detain or appropriate any portion of the amount without a previous Parliamentary sanction." The hon. Member read a second resolution, founded on the one we have just reported, but it was not put from the chair.

Lord *John Russell* said, that the hon. Gentleman had a perfect right to bring forward his views upon this subject, the great inportance of which could not be denied. But having done so, he (Lord John Russell) hoped that the hon. Gentleman would be satisfied, and not press the matter further, so as to lead to a general discussion and impede the other business before the House.

Dr. *Bowring* was anxious to record his opinions upon the subject, which he conceived to be one of great public importance.

Question negatived.

Fourdrinier's Patent.] Sir *O. Mosley* rose to move that the Select Committee to whom had been referred Messrs. Fourdrinier's petition on the subject of the renewal of his patent for the making of paper should be revived. He could have wished that it had been in his power to have entered upon the subject at large, because he was very confident that he could have made out the very strongest case in support of the claim for compensation on the part of the inventor of the machine by which the improved manufacture was effected. But in consequence of a private communication which he had from Mr. Speaker, it appeared that in that right hon. Gentleman's opinion the Committee had exceeded the power which was originally confided to them, inasmuch as they had used a certain word in their report which they were not empowered to use. He begged however to state in justice to the Committee, that had inadvertently fallen into the error pointed out by the Speaker. The reference made to the Committee was to consider how far the petitioner's case was borne out in evidence, the prayer of the petition being that the period of the patent should be extended to him. When, however, the question came under the consideration of the Committee, they found that the public had been so long in possession of this valuable invention, that it would be impracticable to accede to the prayer of the petitioners; and they, therefore, thought that it was only an act of justice towards them to recommend that some public compensation should be made to them for the benefit which the public had derived from their invention. In doing this, the Committee certainly exceeded the power which was implied in the question referred to them. Having made this short statement, he thought it would be better to confine himself to the motion which he was about to make, which was, that the House should be pleased to revive that Committee, when the objectionable words would be struck out of the report, and the proper terms introduced, in order that the subject might be brought forward for debate in this House. The hon. Baronet moved accordingly.

Mr. *Mackinnon* as Chairman of the Committee in question had the honour of drawing up the report which was considered informal, and which was afterwards corrected by his hon. Friend who had just spoken. The particular word objected to, namely, "compensation," was inserted in the report by himself. It was impossible for him now to state to the House what were his reasons for making that report. He considered that it was advisable for him to abstain from doing so for the moment, and reserve any observations which he had to make till the Committee should have sat again, and altered the word "compensation" to that of "consideration." He could not, however, help thinking that the mere insertion of the word "compensation," instead of "consideration," in the report, hardly called for the revival of the Committee; but as it appeared to be the opinion of the right hon. Gentleman in the chair that such a word as "compensation" could not be tolerated, he was ready to submit and defer to that opinion. He wished it to be understood, however, that there was nothing in the whole of the report which was not unanimously acceded to by the Committee, and that at the time of preparing that report he was wholly unaware that it was informal to use the word "compensation" instead of "consideration."

The *Speaker* observed that the present question was a very material one, so far as regarded the regularity of the proceedings of the House. A petition had been presented by Messrs. Fourdrinier for compensation. It was held by the House that no such petition could be received without the King's consent, and that consent having been refused, the petition was withdrawn. A second petition was then presented by the same parties, praying for an extension of the patent. A Committee was appointed for the purpose of considering the prayer of that petition. That Committee made a report, in which they had not confined themselves to the prayer of the petition, but had gone into the consideration of compensation to the petitioners. That was a report which the House could not receive. The course of proceeding then, was that which had been suggested by the hon. baronet; namely, that the Committee should be revived, in order that they might make a report in conformity with the petition referred to them.

Sir *G. Clerk* regretted that any difficulties in point of form should impede the bestowal of a public reward on persons who were so eminently entitled to it. Some few years ago Mr. Merton, the inventor of a machine for drawing up vessels on a slip, received a considerable sum from Government, in consequence of the favourable Report of a Committee, though this was made without the previous consent of the Crown, his case being, that up to within a year of the expiration of his patent his invention had not attracted public attention, and had consequently been of no benefit to him. The Committee reported against an extension of his patent, but in favour of a pecuniary testimony and this recommendation was acted upon.

Committee revived.

RATING OF TENEMENTS.] Sir *H. Verney* moved for leave to bring in a Bill for rating the owners and not the occupants of tenements under a certain annual value. Such a measure would be a great boon to the poor. The 59th George 3rd, enabled vestries to impose rates on small tenements, but the object of the present Bill was to enable the boards of guardians to rate tenements of from 6*l.* to 20*l.* annual value to the owner, and not the occupier. The Bill did not interfere with the Parliamentary or Municipal franchise of the parties, but only with their parochial franchise.

Mr. *Pryme* must object to the Bill. He did not see how the measure could benefit the poor occupants, for if the owner had to pay the rates he would add them to the rent.

Sir *G. Strickland* could never approve of a principle which took away from these classes directly interested in the Poor-rates all share in their administration.

Mr. *Sanford* supported the Bill, though he had some doubts as to giving this new power to the boards of guardians. He would give his support to the introduction of the Bill, but its details would be matter for future consideration.

Mr. *Wason* saw no chance of passing the Bill this Session, so that it was a mere waste of time to proceed with it. Independently of this, however, he objected to the principle of the Bill, as they had already had experience of the evil working of a similar measure.

Mr. *Baines* saw considerable difficulties in the way of the passing of this Bill. Suppose, for instance, a tenant refused to pay his rent, was the landlord, who was thus deprived of his rent, to be compelled to pay the rates of his tenant? He thought that this would be extremely unjust. He thought, at all events, that there was no use in occupying the attention of Parliament with this measure at this period of the Session.

Mr. *Wakley* thought, that his Majesty's Ministers ought not to enjoy a monopoly of the introduction of Bills. It was the duty of his Majesty's Ministers to support any Bills that were calculated to benefit the people. He thought that this Bill would affect parochial franchise in the election of guardians of the poor to a great degree; and he therefore hoped that if the Bill were allowed to be introduced, the House would take care to protect the franchise of those tenants who must inevitably pay the rate, although the landlord might be nominally assessed for it.

Mr. *Aglionby* saw no chance of getting the Bill passed this Session, and therefore, although he approved of its principle, he would recommend his hon. Friend to withdraw it.

Mr. *R. Palmer* begged to add his recommendation to the many that had already been expressed that the hon. Baronet would allow himself to be persuaded to withdraw his Bill.

Sir *H. Verney* was unwilling to withdraw his Bill without having it printed, and he should, therefore, persist in dividing the House upon his motion.

The House divided:—Ayes 73; Noes 45: Majority 28.

List of the AYES.

Agnew, Sir A.
Angerstein, J.
Balfour, T.
Bannerman, A.
Baring, F. T.
Boldero, H. G.
Bowes, J.
Brotherton, J.
Burrell, Sir C.
Chalmers, P.
Cole, Viscount
Cripps, J.
Dundas, hon. T.
Dundas, J.
Estcourt, T.
Forster, C. S.
Freshfield, J.
Grey, hon. Colonel
Handley, H.
Hardinge, Sir H.
Hawes, B.
Heneage, E.
Hindley, C.
Hobhouse, Sir J.
Howick, Viscount
Ingham, R.
Lawson, A.
Lee, J. L.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Lowther, J. H.
Mackinnon, W.
Macleod, R.
Maxwell, J.
Melgund, Viscount
Miles, W.
Milton, Viscount
Morpeth, Viscount
Mosley, Sir O.
Murray, J. A.
Neeld, J.
Nicholl, J.
Parker, J.
Parry, Sir L. P. J.
Pendarves, E. W.
Plumptre, J. P.
Pusey, P.
Rice, T. S.
Rickford, W.
Rolfe, Sir R. M.
Ross, C.
Rundle, J.
Russell, Lord C.
Shaw, rt. hon. F.
Sheppard, T.
Stanley, E. J.
Stanley, W. O.
Strutt, E.
Thompson, Alderman
Tooke, W.
Wakley, T.
Wallace, R.
Ward, H. G.
West, J. B.
Williams, W.
Wilson, H.
Winnington, H.
Worsley, Lord
Woulfe, Sergeant
Young, G. F.

TELLERS.

Verney, Sir H.
Sanford, E. A.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Baines, E.
Bewes, T.
Blackburne, I.
Blake, M. J.
Borthwick, P.
Brocklehurst, J.
Brodie, W. B.
Clerk, Sir. G.
Collins, W.
East, J. B.
Estcourt, T.
Follett, Sir W.
Forbes, W.
Gaskell, D.
Goulburn, H.
Goulburn, Sergeant
Gully, J.
Hawkes, T.
Hector, C. J.
Hogg, J. W.
Howard, R.
Howard, P. H.
James, W.
King, E. B.
Mackenzie, T.
Maunsell, T. P.
Palmer, R.
Palmer, G.
Patten, J. W.
Perceval, Colonel
Ponsonby, J.
Russell, C.
Scarlett, hon. R.
Talfourd, Sergeant
Thomas, Colonel
Thompson, Colonel
Thornley, T.
Trelawny, Sir W.
Trevor, hon. A.
Wason, R.
Wilbraham, B.
Williams, W. A.
Wood, Colonel

TELLERS.

Pryme
Strickland, Sir G.

FOREIGN OFFICERS.] Viscount Howick moved that the House go into Committee on the Foreign Officers' Bill.

Sir *Henry Hardinge* had no intention to oppose the Bill, but he had hoped that the noble Lord would have allowed him to introduce a clause, providing for the restoration of their pensions to certain old soldiers, who had long and faithfully served their country, in a Bill which was introduced with the view of doing an act of justice to foreign officers who had been employed in his Majesty's service. It would be recollected that some considerable time ago a plan had been adopted by the Government of the day, by which a number of old soldiers had been induced to dispose of their pensions for a commuted allowance from the War-office. The object of the plan was to allow those veterans an opportunity of settling advantageously in the colonies, and for that purpose part of the commuted allowance was paid in this country, and the other portion when they arrived in the country where they were to settle. As regarded some of those old soldiers, the plan might have been a good one, but it had been carried too far, and many had been induced to accept the commutation, and to proceed to the colonies, who were by no means qualified to become settlers with advantage to themselves. As the consequence, they were obliged to return to this country, and having now nothing to depend on, were in a state of destitution. It was to restore their pensions to those old soldiers that he wished to insert a clause in the present Bill, and it was provided in the clause that they should only be restored in such instances as would not entail upon the public any greater expense than if such pensions had not been purchased. Many of those individuals had accepted that portion of the commutation payable in this country, and had skulked behind the others, and never left the country at all. To those persons the Government had found it necessary to restore their pensions; and surely if they extended such a favour to those who had not fulfilled the contract into which they had entered, they were much more bound to restore their pensions to those who had fulfilled their agreement in every part, and who had only returned to this country when they found it impossible to procure the means of subsistence in the colonies. The measure, to the extent to which it had been carried, was, in his estimation, improvident, imprudent, and unjust; for those old soldiers had gone through the brunt of the war; they had served their country well, and had been deluded—he would not say defrauded—into the resignation of their pensions by prospects which had proved delusive, and by a scheme which had reduced them to a state of the most complete destitution in their old age. The condition of those old veterans in Ireland and in Scotland particularly called loudly for relief, and he had hoped the noble Lord would have allowed him by an instruction to the Committee on the present Bill to provide for the restoration of their pensions once more. His duty to the army imperatively called on him to take the steps which he had done, and he implored the noble Lord, if it was contrary to the rules of the House to insert such a clause as he had proposed, to take an early opportunity of introducing a Bill restoring those old soldiers to the pensions out of which they had been deluded. He felt so strongly on the subject, he considered the restoration of those pensions so loudly demanded by justice, that, should the noble Lord refuse to acquiesce in his suggestion, he should consider it his duty to bring forward a specific measure on the subject himself.

Viscount *Howick* said, that he had found by an application to the Speaker that it would have been quite contrary to the usual practice of Parliament to insert a clause in a Bill quite foreign to the object of the Bill itself. For that reason he had resisted the insertion of the clause, but he thought also that the measure for the commutation of pensions was not of so harsh a nature as it had been represented. He admitted due caution had not been used, and that the commutation had gone further than was expedient, but the Government had done all they could to prevent improper persons from going out as settlers to the colonies, and the Government had, in fact, been imposed upon by the partial and improper representations of those persons who wished to commute their pensions. If a Bill were passed embodying the views of the right hon. Gentleman, he feared that it would only operate as an inducement to those who were settled in the colonies and actively employed in providing for themselves to return home, and once more throw themselves upon the pension list, even though their conduct since they had commuted their pensions would not justify the governors of Chelsea Hospital in restoring them, had they liberty so to act. He could not pledge himself to bring in a Bill providing for the restoration of those pensions.

The House in Committee. The clauses were agreed to.

House resumed.

HOUSE OF LORDS,

Friday, June 16, 1837.

MINUTES.] Bills. Read a second time:—East India Officers Salaries.—Read a first time:—Ecclesiastical Property.

MUNICIPAL CORPORATION ACT AMENDMENT BILL.] The *Lord Chancellor* moved that the Amendments of the Commons to the Lords' Amendments of the Municipal Corporation Act (England and Wales) Amendment Bill be agreed to by their Lordships.

On the Question that the Commons' Amendments of the Lords' Amendments on the 13th clause, relating to the appointment of persons to fill the office of presidents at the elections of Aldermen be agreed to.

Lord *Wynford* objected to the Motion on the ground that the Amendment of the Commons was inexpedient. The noble and learned Lord said he thought the better way would be to leave the election of presidents upon the same footing as the election of mayors, and therefore, he begged leave to move as an Amendment that the presidents should be chosen, not by the wardens, but by the majority of the councillors.

The *Lord Chancellor* said, that the Commons had conceded a great deal in another clause, and no doubt if they altered the clause now under discussion they did so reluctantly. He thought that the clause as altered by the Commons would work better than if amended as proposed by the noble and learned Lord, whose scheme was impracticable.

Lord *Wynford* observed that his object was to render this and the 12th clause consistent with each other; at present they were not so.

Lord *Abinger* supported the Amendment of his noble and learned Friend, on the ground that, were they to adopt the Amendment of the Commons, it might happen that the election would in some cases, fall into the hands of the minority although there might be a majority in the wards.

The *Lord Chancellor* said, that the clause would provide for the case in which the number of councillors was equal, which would not be provided for if the Amendments were agreed to; for the original clause gave to the person the highest rated the casting vote where there was an equality of votes.

The House divided on the question that the Commons Amendments be agreed to. Contents 63: Not-Contents 84; Majority 21.

On the 20th clause,

The *Lord Chancellor* said, that the clause was intended to prevent a premium being given to parties prosecuting in cases in which Parliament would not sanction such proceedings.

Lord *Abinger* thought, that the Legislature ought not to step in, to stop proceedings authorised under the former law. He, therefore, should move that their Lordships adhere to their amendments.

The House divided on the Motion to agree to the Commons Amendment. Contents 51; Not-contents 80: Majority 29.

The remaining clauses agreed to.

A Committee was appointed, to draw up their Lordships' reasons for adhering to their Amendments.

HOUSE OF COMMONS,

Friday, June 16, 1837.

Minutes.] Bills. Read a third time:—Registration of Marriages.—Read a second time:—Dublin Police.

Petitions presented. By Mr. Harvey, from Sheffield, against the New Poor-law.

Boundaries of Boroughs Bill.] Mr. *Milnes Gaskell* said, he hoped the noble Lord, the Secretary for the Home Department, was prepared to announce the intentions of his Majesty's Government with respect to the further progress of this Bill. The noble Lord could not fail to be aware that it was one of immense importance, and involved greater changes in the constitution of corporations than had been effected by the Municipal Reform Act. He (Mr. G.) trusted, therefore, that if there was any serious intention of proceeding with it, the noble Lord would have the goodness to give some notice of the day on which he proposed that the discussion should take place.

Lord *John Russell* replied, that he was desirous the Boundaries of Boroughs Bill should go into Committee, where he should be glad of any suggestions which would render the Bill more perfect. He was bound, however, to add, that he had no expectation of its passing into a law during the present session.

Trade with Spain.] Viscount *Sandon* wished to put two questions to the noble Lord the Secretary for Foreign Affairs. The first related to the prevention of British steam-vessels from carrying passengers from the coast of France to places on the coast of Spain; and the second to a decree passed by Mendizabal, imposing a duty on British coal deposited at dépôts on the Spanish coast for the use of British steam-vessels. He wished to know whether the noble Lord was aware of the facts which he had adverted to, and whether he had received any official intelligence respecting the decree of Mendizabal?

Viscount *Palmerston*, in answer to the first question of the noble Lord, begged to say, that a treaty had been some years in existence, by which France and Spain virtually conceded to each other the right of trading on the coast of both countries by vessels belonging to each other. With regard to the second question, he had received official information of the decree to which the noble Lord referred; but it was not confined in its operation exclusively to this country, but related to coals deposited on the coast of Spain, for the use of steamers generally. The moment the decree was issued the British Minister at Madrid remonstrated against it, and the matter was still undecided.

FOREIGN DIPLOMACY.] Sir *Stratford Canning* wished to take that opportunity of putting a question to the noble Lord, the Secretary for Foreign Affairs, respecting certain circumstances connected with our foreign policy. The question to which he was about to call the attention of the noble Lord was, the present state of the British embassy at Constantinople, and he did not bring it forward for the purpose of making any charge against the inefficiency of his Majesty's Government in foreign parts, but, on the contrary, to mention circumstances connected with our diplomatic appointments in that country which the noble Lord would, he thought, be glad to have an opportunity of explaining to the country. It must be in the recollection of the House and the country, that Lord Ponsonby, as he believed, had applied for leave of absence some time ago; and it would also be in their recollection that three or four months since Sir Charles Vaughan, who was on the retired list, had been raised to the rank of ambassador, and had been sent out on a special mission to Constantinople. It appeared, however, from the public journals, that he was still at Malta, that he was not to proceed to the court of the Sultan, and that Lord Ponsonby was still at his post at Constantinople; the consequence of which was, that we had two ambassadors at a considerable expense to the country, and not only two ambassadors but two secretaries of legation; in fact, four persons were now paid for performing the business of the British embassy at Constantinople. He thought the secretary of legation might have performed the duty in the absence of Lord Ponsonby. It was also worthy of remark, that another anomaly had taken place, and that Mr. Urquhart, who was on his way home, and who was not in the diplomatic service, had been taken out of the situation to which he was originally appointed in that country, and placed at the head of a department of considerable importance at Constantinople. Mr. Urquhart was sent out there on account of his acquaintance with commercial affairs in the East, and for the purpose of making some arrangement with the Turkish Government respecting the new tariff; yet it so happened, that to the new appointment given to that gentleman, and to the ambassador's application for leave of absence, the country was deprived of the benefits of Mr. Urquhart's abilities in that quarter of the world. He was aware that a diminution of expenditure for the pay of our ambassadors abroad had already taken place, but he did not see why it should be increased on an occasion like that to which he had referred. It was true that there had been special missions to countries where we had ambassadors, such as that of the mission of the Duke of Northumberland, and that of the Duke of Wellington, but these were not cases at all in point. He would only add, that Sir Charles Vaughan had not the slightest chance of reaching his post, and, in fact, was on his way back.

Viscount *Palmerston* said, the right hon. Gentleman had put the question plainly and shortly. It might be owing to his obtuseness of understanding, but he could assure the right hon. Gentleman, that though he had listened with the greatest attention to the whole of his speech, he hardly knew what was the precise question. He would, however, endeavour to answer the questions as far as he supposed he understood them. The right hon. Gentleman knew why Sir Charles Vaughan was sent out, for he himself had given the reasons. Lord Ponsonby applied for leave of absence, leave of absence was granted, and Sir C. Vaughan was sent out to supply his place. On that head the right hon. Gentleman had been rightly informed. Lord Ponsonby, however had been detained longer at Constantinople than he expected, and as he did not think it proper that two ambassadors should be at Constantinople at the same time, Sir C. Vaughan had been instructed to remain at Malta to await Lord Ponsonby's arrival, in order to communicate with him on public business. Since the appointment, however, Lord Ponsonby had made other arrangements, in consequence of which he had not occasion to return home, and he had written home to say, that he wished to withdraw the application for leave, as he did not wish to avail himself of it. Sir Charles Vaughan's mission was, therefore, at an end. But the right hon. Gentleman said, it was a question of expense, and he did not see what occasion there was for putting the country to great expense by special missions. Certain expenses, no doubt, were incurred by special missions; but did the right hon. Gentleman remember no cases where the country was put to the expense of special missions to courts where there was already a British Minister? He had heard of such cases, and, perhaps, the right hon. Gentleman had also heard of an ambassador extraordinary being sent to Madrid when there was an English minister at that court. He was quite sure the right hon. Gentleman must be aware that the public service might be of such an extraordinary nature that a special mission might be necessary; and that the Government, according to the confidence usually placed in them by that House, were not required to state the details of the expense, or give any reasons for the mission, or any explanation of the instruction given to a Minister so sent out. With regard to the selection of Sir Charles Vaughan, it had been asked, why he was sent out to perform a duty which might have been left to the chargé d'affaires; and the answer he would give was, that it was thought more convenient and more advantageous to the public service to have one to succeed an ambassador of the weight and authority of Lord Ponsonby; and he accordingly chose Sir Charles Vaughan, a gentleman of great experience, of perfect discretion, and conciliatory manners. The right hon. Gentleman, in going into the question, seemed inclined to make an attack on him for his selection of persons to foreign embassies. Now, he might on occasions have made unfit selections; but he had always acted according to the best of his judgment at the time, and if he had committed any wrong it was unintentional. He must at the same time admit, that the right hon. Gentleman, from his great diplomatic experience, was well entitled to criticise his selections; but he could only assure him, that right or wrong, he had always endeavoured to choose those that appeared to him the best fitted.

Sir *Stratford Canning* said, if the House were satisfied with the noble Lord's explanation, it was not for him to press the question further; but he might be permitted to say, that the explanation did not satisfy him. With respect to the mission on which he went to Madrid, it was well known that Madrid was not his final destination, but that he was sent out to that capital with reference to the affairs of Portugal, and that his being extraordinary ambassador was merely incidental. Unfortunately, however, owing to circumstances and the nature of the instructions he received, that embassy came to a total failure.

Mr. *Harvey* said, that with regard to the fitness of the parties he knew nothing; but after all that had been said about great anxiety for the public benefit and regard for public feeling what would the country think if the right hon. Gentleman and the House allowed a question of that sort to pass without something more than a speech? The subject related to the economy of expenditure, and, that being the case, he would take the liberty of saying a few words on it. He had always understood that when an ambassador was sent out he was not only to be paid a salary, but was also to have a substantial outfit. Now, he did not understand that because that gentleman appointed to the embassy had been arrested when only half seas over, and had been called to come back, he was to cancel his claim to some salary, in addition to what he had received as an outfit. That was the only point with which the country, had to do. It was the economy of the transaction, and not the raging hostility between parties, or the clashing interests of diplomacy, or the proposition laid down, that it would be dangerous to the interests of the country to have any persons representing the Sovereign of less weight than an ambassador. Now he could see no reason, when Lord Ponsonby wished to come home, why another ambassador should have been sent and the country burthened with an additional outfit and an additional salary. As it appeared Lord Ponsonby did not wish to come home—on the contrary he wished to remain at Constantinople, and the country was to be put to additional expense on that account, he therefore, hoped, that the right hon. Gentleman, in place of throwing out these unintelligible taunts against the noble Lord, would have moved for a return of the expenses incurred on account of the mission of Sir Charles Vaughan. He supposed the noble Lord wished to see Lord Ponsonby in order to connect him the more with the policy of the country at home; and if there were a diplomatic confab in the Mediterranean, what harm could be attached to that? But he might say to the right hon. Gentleman, why do you complain? Have you or your party never had anything to do with a job? But to hear anything coming from the Tories about the feelings of the country, or saving the expenditure of the country, and, still more, anything like a complaint about the unnecessary expenses of ambassadors, was so unusual that he could not help expressing his delight at it. All he rose for was, however, to say, that the course pursued by the right hon. Gentleman would be liable to suspicion unless he went further and brought the discussion to a conclusion by moving for a return of the expenses incurred by the mission of Sir Charles Vaughan.

Viscount *Palmerston* wished the House to understand that, in his opinion, it would be very unjust towards persons employed in diplomatic situations, when they had performed their duty zealously and faithfully, to refuse them permission to come home and refresh themselves by reviving their English feelings, and witnessing more closely the operation of those constitutional doctrines in which they had been brought up. And if English Ministers abroad did not make applications of that nature, he should feel disposed to order them home. Lord Ponsonby had been abroad for five years, and had performed his duty at Constantinople in such a way as would entitle him to any indulgence which the Government could extend to him. He would add, that when an ambassador was absent one half of his salary was suspended; and so far, as regarded expense there was a saving. Sir Charles Vaughan, besides, was not sent as ambassador, but on a special mission. The expenses of that mission, of course, would be paid out of the public funds; but he would not receive any salary, but only his expenses during his stay at Malta. Certainly some outfits were necessary, but they were not outfits such as were given to an ambassador appointed to succeed another. Sir Charles Vaughan consented to accept of the appointment, and the Government felt obliged to him for agreeing to perform the duty in the absence of Lord Ponsonby; and after what the right hon. Gentleman had said about appointing persons of rank and weight to such situations, he did not see why taking into consideration the relations he had to that country, and the rank and station of Lord Ponsonby, there was any blame to be attached to him for appointing in the absence of Lord Ponsonby, a gentleman of rank and weight as an ambassador.

Sir *Robert Peel* said, in repelling the attacks that had been made on different parties, no one had come forward as the defender of Mr. Urquhart; and as the noble Lord had defended one ambassador after another, he believed it would be only necessary for some Member to make some observations on that Gentleman to call up the noble Lord to make a fourth speech in his defence. It certainly appeared, that when they had just come to the point when they could see whether that Gentleman could swim they had sent out another to supersede him. No doubt that gentleman, Sir Charles Vaughan, might be the fittest, but nevertheless to send him out during the absence of the chief was a practical attack on Mr. Urquhart. The noble Lord said Lord Ponsonby had applied for leave of absence, and he had granted the application. But the noble Lord had gone further, and said not only that he had granted leave of absence, but that if it had not been made he should have been disposed to order an ambassador home, in order that he might be re-impregnated with the constitutional doctrines of old England. Now, if such a rule were good as regarded countries generally, *à fortiori*, it was good for Constantinople, and there never was such an opportunity of carrying it into effect as in the case of Lord Ponsonby. The noble Lord admitted, that when an ambassador was abroad for five or six years, if he did not apply for leave of absence, then he would compel him to come home. When the application was made, and when the ambassador had been absent for five years, and had become so rusty that he required a new impregnation of constitutional doctrines, the noble Lord sent out an ambassador *in partibus* who never arrived at his post. But what was the result? Lord Ponsonby declined coming home, and notwithstanding all that had been said about the necessity of recalling ambassadors at the end of five years, and the appointment of a successor, still all that was forgotten, and Lord Ponsonby was allowed to remain. He did not blame the noble Lord for taking precautions to have an extra ambassador in that quarter of the globe, where storms, according to his statements on a former occasion, so awfully raged; but, after the expense had been incurred, and after he had admitted the necessity of relieving the ambassador at a stated period, he must doubt his wisdom in consenting to the withdrawal of the application for leave of absence made on the part of Lord Ponsonby. He would make every allowance for the Government, but still the noble Lord had given no sufficient explanation for superseding Sir Charles Vaughan, who had never gone beyond Malta, and who had never encountered the perils of those storms that they all knew prevailed in the Ægean Sea.

Subject dropped.

Poor-laws.] The Order of the Day was moved for the House to resolve itself into a Committee of Supply, and a motion made that the House go into the Committee.

Mr. *Walter* said, that it was with great regret that he found himself under the necessity of bringing under the notice of the House the present state of the Poor-law inquiry, as connected with the facts stated in the petition which he had presented on a previous day from the rev. Mr. Dewdney. Whatever might have been his anticipations at the outset of the proceedings of the Committee, from its construction, and the well known opinions of the decided majority of its members upon the question, they had, as that petition in part evinced, been fully verified. But, in saying that, he hoped that it was unnecessary to guard himself against the imputation of casting any obloquy upon the characters of those hon. Gentlemen with whom he must decline acting any longer. Their longer standing in that House, and the greater experience of many of them in its forms, and in the general proceedings of Committees made it almost a fearful step in him to withdraw from any further co-operation with them. At the same time, the situation in which he had been placed, by having so many petitions and private communications conveyed to him from those who either considered themselves or their fellow-subjects aggrieved by the operation of the new law, rendered it imperative on him to tell them why he felt it no longer in his power to afford them or their cause any assistance, by acting further in a Committee in which he was powerless himself. In truth, even before the Easter recess, and long before Mr. Dewdney was subjected to examination, a proceeding so contrary to his view at least of impartiality had been countenanced, that it was in contemplation between the hon. Member for Southwark and himself at that time to retire; and had that hon. Member then executed his intention of withdrawing, he should certainly have followed his example. The proceeding to which he had adverted took place immediately after the inquiry into the Petworth Union was terminated. It had been decided at the first meeting of the Committee that he should commence with that case; and any attempt made by him even to illustrate any portion of the case by a reference to a contiguous union was at once stopped by the cry that he was travelling out of the record. The Committee was to have adjourned over the holidays when that case was closed; but to the surprise of the hon. Member for Southwark and himself, without the slightest notice, the clerk of the union over which a noble Duke, who was one of the authors of the Bill, presided, was suddenly thrust upon the Committee for examination; and when he came to inquire of him who sent him to be examined, he produced a summons, not from the chairman of the Committee, but from the Poor-law Commissioners, who, finding the case going very much against them, called up this person to disprove what had happened at Petworth, by showing that something different had taken place at West Hampnett. The hon. Member for Southwark and himself had protested in vain against this proceeding, as the hon. Member for West Kent had left town on the express understanding that no new matter should be entered upon till after the holidays. The hon. Member for Finsbury was kept away by illness, so that there only remained the hon. Member for Southwark and himself to bear up against the enormous preponderance with which the Committee was originally constituted. The clerk, as he had already stated, prevailed, and gave the Committee a long history of the management of that union. How far the evidence thus interposed would itself bear investigation, the House would judge. He should only say at present, that in that boasted union, that model farm of the poor, there had been such a mortality among the inmates of the new workhouse as was shocking to humanity. Undoubtedly the Committee acted in a manner which they thought right; but he would beg leave to ask, whether it would not have been at least equally right, if they must take a second case from the same county which lay within the purview of the Committee, not to have put themselves at the mercy of partial people like the Commissioners, but to have shown attention to a case sent to them by a reverend gentleman, with whom he had no previous communication, but whose letter he would take the liberty of reading to them.

"Eastbourne Vicarage, March 18, 1837.

"SIR,—I am sorry to trespass a second time upon your Committee, but feel that I am not at liberty to let a matter worthy of your attention pass without notice; it is the dietary of this union. The able-bodied pauper inmate has not enough to eat. The allowance is only six ounces of bread, and one ounce of cheese for breakfast and supper, daily; and for dinner, meat putting sixteen ounces once in the week, and sixteen ounces of suet-pudding twice in the week, these with potatoes; the dinner for the four remaining days being seven ounces of bread and one ounce of cheese. I beg, Sir, that your Committee will do me the favour to consider whether this is sufficient to maintain an able-bodied labourer, to enable him to resume his occupation, when an opportunity offers. I request of them to do the case the justice to call before them the medical officers of unions, to inquire into this matter. I am a great advocate for the right administration of the Poor-law, and am fully aware of the necessity there is for keeping the dietary of the able-bodied in the workhouse, below that of the able-bodied labourer out of the house; but, Sir, I am no advocate for starving the poor, and making it desirable to the man who cannot keep himself to inhabit a prison rather than a workhouse. The Lewes House of Correction dietary allows five ounces more of bread, besides one pint of soup daily, than that of our workhouse. I have made known these things to the Poor-law Commissioners, and have also superadded the (to me) astounding fact, that though, in the memory of the oldest inhabitant, fever of a malignant and fatal character has not been known in our workhouse; yet, since the introduction of the dietary now used, very many have died of typhus. To this they have replied, that they cannot alter the dietary; and as to the fever, they consider that they have sufficiently provided against any evils, by allowing the medical man to order what he pleases in case of sickness. With due deference to them, this appears like saying a man need not be afraid of the consequences of setting fire to his neighbour's house, because there is plenty of water hard by. I trust, however, to your Committee, to see that it is not better to commit crime, than to seek an honest living.

"I am, Sir, your obedient Servant,
"THOMAS PITMAN."

This communication had passed utterly unheeded. Now here was a gentleman, the vicar of Eastbourne, in Sussex, whose previous testimony, when favourable to the Commissioners, was published with great parade in their second Report, while there was no corresponding alacrity in bringing forward a letter from the same person, in which he stated, that a number of people had died of typhus in the union workhouse, owing to the want of sufficient food. The House and the public would judge, therefore, whether this was not a fitter case for investigation than that which was forced upon the Committee by the Poor-law Commissioners. A gentleman of undoubted credit had assured him, that the whole of these got-up cases from Sussex, so far as he had had the opportunity of knowing, were deceptive; and as a melancholy proof of this, in addition to Mr. Pitman's statement, the House must have seen, that in another of these boasted Sussex unions, a poor woman had, within these few weeks, died of starvation, according to a coroner's inquest. Much had been said of the suspicions of the public. He had always thought them wholesome suspicions, and the fact which he was about to mention would, he conceived, confirm that opinion in others. The petitions of the people against the Bill were all referred to the Poor-law Committee; and from the formal manner in which the question was put in that House, the public were led to infer, that some important advantage was gained by such a reference. It was determined in the Committee, that an analysis should be made of these petitions during the Easter recess; and to whom did the House think that the task of making that analysis was confided? Why, to the Poor-law Commissioners—to the very parties whose measures were complained of, and who were opposed to the views and wishes of the petitioners. Their secretary was sent down to the House for that very purpose; he had admitted, that it was he who prepared the document. The sheep were given up to the wolves. The House would have seen, that as yet the Committee had gone into only two of the cases which he had brought forward. The cause of a dilatoriness so remarkable was this. Almost the whole of the statements which he had received respecting the cruel operation of this law, had been furnished from the most respectable quarters—chiefly by clergymen, like the author of the petition, resident in their several parishes, and who must have the best means of witnessing the effect of the law; but the moment he offered to the Committee a case of cruelty or mal-operation, he was overwhelmed by a host of Poor-law Commissioners, or chairmen of boards, or clerks, or guardians, or relieving officers, who poured in general documents without number, upon which it was difficult for him to enter, and of the credibility of which it was difficult for him to take a general estimate. Nor was his complaint merely confined to what the Commissioners put in, when and where they pleased: their dominion also extended to taking out what they pleased from the evidence in its way to that House and the country. What he meant would be better understood if the House would call for the th day's proceedings. On that day the Commissioners sent in a table of prices paid for labour in the county of Sussex, and a list of the labourers, whose situation, they said, had been greatly improved. He had objected to the reception of a document so loose and unauthenticated, and coming from so suspicious a quarter. After a long dispute, the paper was accepted for the use of the Committee. The moment it was printed, he (Mr. Walter) had sent it into Sussex, to ascertain its correctness; and he soon had an offer of abundance of evidence to disprove it. This, he supposed, got wind; for the Committee afterwards thought proper to cast aside the paper in question, without listening to his offer of contradiction, and the minutes of the day's proceedings were entirely suppressed along with it. How well qualified he was to prove the mis-statements of the Commissioners would appear from a document which he should now read to the House, and which he was prepared to authenticate. It was from the Petworth union, and was signed by nearly forty respectable individuals. He had a similar statement from West Hampnett, signed by nearly the same number of respectable farmers:—

> "We, the undersigned farmers and others, having been informed that in the evidence given before the Select Committee of the hon. House of Commons on the Poor-law Amendment Act, it was stated that the day wages of agricultural labourers, and the price of task work generally, have risen in consequence of the operation of the Poor-law Amendment Act, and the condition of the poor is bettered thereby, do declare that, as refers to our own immediate neighbourhood, there is no foundation whatever for such a statement, but that, on the contrary, although the money paid for day labour and task work is in a trifling degree advanced in some instances, yet that that advance is entirely owing to the advanced price of wheat, and that the labourer cannot earn so large a portion of the necessaries of life as heretofore, which will plainly appear from the circumstance that while the price of labour has advanced only ten per cent., the price of flour has advanced full thirty per cent.

He might mention other objectionable matters; but he would abstain, and would pass hastily to the proceedings of the 17th day, when the assistant Commissioner for Hants and Wilts was examined. That gentleman was questioned by several Members, and allowed to answer, as the evidence would show, general matters respecting the operation of the law; but when he came to question the Commissioners upon points arising out of his report, he was presently stopped; all the answers which he had given were expunged; and when he (Mr. Walter) demurred to the unfairness of the proceeding, he was told that he should be allowed to put his questions another time. Now he maintained that he had a right to question him with the same latitude that others had done, and that it was entirely the duty of the assistant Commissioner to answer any question connected with his report. Having now shown the temper of the Committee generally, he was the more strongly convinced that the petition of the rev. gentleman which he had presented last week was entitled to credit and attention, inasmuch as the evils he complained of were the natural results of such a temper and feeling towards those whose evidence might invalidate the assertions of the good working of the law. Besides that, the personal character of Mr. Dewdney, a gentleman of high professional attainments. and of strict and unimpeachable moral character, entitled him further to the respect of the House. And this argument ought to be the more effectual, as other gentlemen of his profession, and of the highest character also, who had expressed a very strong feeling against the Poor-law Bill, had, since his examination, requested to be excused attendance to give evidence, from an apprehension of the manner in which they were to be interrogated. After repeated refusals by the Committee to report evidence from day to day, that point was at last carried. This was absolutely necessary, inasmuch as the Poor-law Commissioners, being always present either by themselves or their agents, could send off for, and get up, evidence, with a view to invalidate whatever made against them. A most remarkable incident occurred, which he would take the liberty of stating to the House. On the first day of the inquiry, the clearest evidence was given of the suffering state of the labourers with large families in the Petworth Union. And what did the House think was the course adopted by the Commissioners to disprove these facts; They actually sent down to the treasurer of the Savings Bank an order to transmit to them immediately an account of all the deposits made by the agricultural labourers, with the names of the depositors. This was of course refused, with a hint that the sight of the books would not help them much in their cause. He knew not what opinion the House might form of the Commissioners from such a circumstance, but to him it appeared the most scandalous attempt at violating, not only the poor man's rights but general privacy and confidence, that was ever heard of. The House might recollect how many cases of the cruel and unnatural operation of this law he had mentioned before; and to prove them was his only inducement to enter upon the Committee. He was early told that he would not be allowed to prove more than three or four. The noble Lord at the head of the Home Department, whom, however, he was far from reproaching for any thing done in the Committee, proposed and carried the following resolution on the 21st April:—

> "That the Committee will, when the cases of West Hampnett and Droxford are concluded, proceed to inquire into the administration of relief under the Poor-law Commissioners in the counties of Hants, Wilts, Stafford, and Kent, and the manufacturing parts of the county of Gloucester; and will then inquire into the proceedings of the Commissioners in the northern counties, both manufacturing and agricultural, and into the reasons alleged in the petitions presented to the House, and referred to this Committee, against the introduction of the Poor-law Amendment Act."

The House would perceive that Hampshire stood first in the proposed scheme for the future proceedings of the Committee, and the preference of that county the noble Lord stated would, he conceived, be most agreeable to him. Now, though Suffolk and the eastern counties, where the atrocity of this law, as he had shown, was most flagrant, perhaps claimed the preference, yet he had no objection to take Hampshire, because he had evidence in his hands from that county of a most important character. Since that time, however, the Committee had entirely changed their course—had cast out Hampshire, a county in which he was prepared to meet them, and had substituted Bradford in Wiltshire, for no other reason of which he was aware than because they thought that they should be able to show a more plausible state of things in that district. Now, though he had every reason to believe that Bradford, this favoured substitute, would be found as rotten a case on their part as the Petworth, the Droxford, and the West Hampnett, yet to disprove the Commissioners' statements, he must be thrown upon the hopeless course of cross-examining their witnesses, against such an immense majority as there was in the Committee; or must incur the expense of an inquiry on the spot, in order to contradict the statements of the witnesses brought up by the Commissioners. That Bradford would, if examined, turn out to be another Droxford or West Hampnett, he had every reason to believe, from a letter which he had received from a highly respectable gentleman in that neighbourhood. He said—

> "None of the examinations which I have seen at all touch upon some of the greatest cruelties arising from the mode of carrying this law into effect. The unrelenting harshness with which widows are treated ought to be held up to the reprobation of all men. At the moment when they are in the deepest distress from the loss of their husbands, their misery is added to, either by submitting to have their children torn from them, or by all starving together at home. The guardians, it is true, offer to receive some of the children into the house, but they well

know that the mothers will not part with them, whereas half of what would keep a child in the poor-house would place the poor mother, if given to her at home, above absolute want. I know three cases near me of persons who in the winter must starve but for private charity. The expense of the unions is enormous, and if a saving is made, it must be in these small parishes screwed out of the poor. In the Bradford union the whole management is in the hands of mere renting farmers, who, if they can save their pockets, care not how it is done; and to keep the management in the hands of these persons, the most dirty chicanery has been practised and sanctioned by those who are in the situation of gentlemen. To effect this pitiful saving the relieving officer is so cramped in his power, that where instant relief is required he is compelled to wait six or seven days before assistance can be afforded. I have lately had one most disgusting case of this sort, and two others of nearly as bad a sort. This determination to save leads the boards to positive attempts at fraud. I know a gentleman who has defeated both the Bradford and Bath boards in their attempts of this kind. One poor woman had to travel backwards and forwards to the extent of 120 miles before she obtained her right, when six miles ought to have been sufficient.

Among a variety of cases which he could produce, he should only mention one; and that case he had selected because his informant was known to a member of the committee, and because it showed in a very small space the whole character of the agency of this Bill. His informant was the rev. Mr. Stewart, the rector of Ewhurst, near Guilford. The case which that rev. Gentleman had communicated to him was that of one Michael Field.

"The wife sickly, six children, eldest a girl under ten. The man earned during winter 8*s*. a-week; in spring, a fortnight before the new law was acted upon, obtained 9*s*. in consequence of the advance in flour; had been allowed 3*s*. 9*d*. for his children. His wife applied to the relieving officer at his first sitting, and was told she could have no relief. Mr. Stewart asked whether it would be of any use for her to go to the board of guardians. He said he believed not. Mr. Stewart mentioned this case at the Poor Law-office to Mr. Frankland Lewis, who said that 9*s*. a-week were good wages in his country, and consequently observed that a woman should never be listened to. Mr. Stewart pointed out to him that the man could not apply to the relieving officer without an almost certainty of losing a quarter of a day; and to the board of guardians, sitting ten miles off, without losing a whole day. The expenditure of this man's family, according to Mr. Stewart's calculation, would amount to 15*s*. 4*d*. per week, or 39*l*. 17*s*. 4*d*. per year; so that, making the largest allowance for earnings at harvest, he must be in debt at least 7*l*. 13*s*. 4*d*. at the end of the year. Mr. Stewart also mentioned the case of a man in his parish, who lived nine miles from the medical officer. He was on a Monday reported to be ill; he was subject to chronic rheumatism, and aged sixty-seven. Mr. Stewart went to him on the same day, and found him severely suffering, as Mr. Stewart conceived, from influenza. Mr. Stewart sent him in some broth and powders to assist him till the doctor came. He went then to the vestry clerk, and desired them to order the relieving officer to send the medical officer next morning. Mr. Stewart being himself ill could not see the man again till Thursday. He then found him exceedingly ill, and that the doctor had never been near him. Mr. Stewart then ordered the vestry clerk to send a man express for the doctor, and at seven o'clock next morning the man died, the doctor not having been near him. Mr. Stewart has called the attention of the board of guardians to this case, and seeing that the medical department of the union was reported by the Commissioners as adeqate and efficient, he has twice called their attention to this case, offering to show by it, and other cases, the inadequacy and inefficiency of the medical arrangements as regarded his parish, but has received no answer upon those points, though they have replied to him on others. The relieving officer has told him that he has often given money out of his own pocket to relieve cases which would have been rejected by the board."

This gentleman's housekeeper has stated with tears in her eyes, that but for the assistance rendered by this gentleman many would have been starved. The accounts which he had received from Wales of the sufferings of the poor under this new law were truly appalling. The unions there were so large, that some of the distant parishes did not usually appoint guardians —not in the Carmarthen Union, for example. But to revert to the original construction of the Committee; every thing that had occurred justified what he might call the public dissatisfaction with it, for the Government, in placing upon the Committee a vast majority of hon. Gentlemen, certainly, but of Gentlemen decidedly favourable to the New Poor-law, meant nothing else than to bolster up that most oppressive and unconstitutional act. Those who were anxious for inquiry had to struggle in the Committee against the influence of two Ministers of the Crown who had been in office when the Bill was enacted, and in whose persons, therefore, the Bill might be partly said to be tried. There were, besides, upon the Committee an ex-Poor-law Commissioner, of whom he meant to speak personally with respect, and seven or eight chairmen of boards of guardians, against several of which he had received complaints, and the hon. chairman's board was among the number. He felt such a Committee grievous enough when it was but in prospect; and now he felt every day on which the Committee met, that it was in vain for him to struggle against the power of such a majority. In addition to this, he could not help feeling sensibly that he was unpractised in proceedings of this kind—in examining and cross-examining. How much he was inferior in talents generally, but more particularly in that kind of talent, to the right hon. Baronet the Member for Cumberland, would appear from a fact which he would mention. It had been suggested to him by one of the witnesses on the first day's examination, that the poor ought to have counsel employed for them as well as their antagonists—the Commissioners. "How?" replied he to the witness—"There is no counsel on either side;" and he then discovered that, deceived by the zeal and ability of the right hon. Baronet, this witness had actually supposed him to be a person professionally engaged as counsel for the Poor-law Commissioners. He must confess that he had often envied the right hon. Baronet his talent for cross-examination, and had often wished that his eminent qualities had been employed on their side. But now the Committee had refused to hear his cases any longer. One of the very small party to which he belonged in the Committee, had withdrawn from it nearly a month ago, on account of what he at least felt to be the partial conduct of the Committee. Witnesses even in gentlemanly stations of life, were unwilling to come forward. He thought therefore, that under all these circumstances he should only betray the cause which he had so sincerely at heart if he continued to act longer as a Member of the Committee. He should therefore request the House at least to discharge him from it as soon as the West Hampnett case was concluded. He had at first intended again to solicit an addition to the number of those whose previous opinions were unfavourable to the Bill; but he found on inquiry that Gentlemen were averse to serving on this Committee. That endeavour, therefore, was hopeless. Considering, then, the lateness of the Session, and that if the House was to legislate at all this year, it should lose no time, one part of his motion would certainly be that the Committee should be instructed to report their opinion upon the evidence already given as soon as the West Hampnett case should be terminated. But besides this conclusion, to which he should come on general grounds, there were some scenes, which had recently occurred in the Committee, and with which he believed the Speaker had been made acquainted, of such a character as would of themselves have induced him to take his leave of it. He consigned it, however, to the chairman to state or not, as he might think proper, what those scenes had been, certainly reserving to himself the power of making such explanations on his statement as he might deem necessary for a full understanding of what had taken place. The motion with which he should conclude his observations was, "that a copy of the ninth day's proceedings be submitted to the House, and that the Committee be instructed to report their opinion upon the evidence already given as soon as the West Hampnett case shall be closed."

Mr. *Fazakerley* said, that after the appeal which had been made to him by the hon. Member for Berkshire, the House would perhaps indulge him for a few moments with its attention while he offered a few observations upon what had just been stated by the hon. Member for Berkshire. He, however, should not be induced to enter into any of those general heads of complaint which the hon. Member had now, for the first time, urged against the Committee; but he thought they would be found equally as exaggerated as the statements made by the hon. Gentleman on a former occasion. The course which it would best become him to take would be, as shortly and plainly as possible to describe to the House the general course which the Committee had taken in the discharge of the duty confided to them, and he hoped he might be permitted to say, that in any part which he had taken in the Committee, and in any question which he had thought it his duty to put to the witness under examination, it had been his most anxious wish—and he should not have discharged his duty had he acted otherwise—to put such questions as occurred to his mind, in manner and substance, so as to avoid giving any feelings of unnecessary pain. It was of course the privilege of every Member of the Committee to put questions to any witness that was called before it, and he (Mr. Fazakerley) was quite certain it was his own feeling, and he was equally certain he spoke the feelings of every Member of the Committee, that on a question of the nature thatwas referred to them, where the rights, the claims, and the condition of the poor were under investigation, and still more that it must be the feeling of every well-constituted mind, to approach such an investigation in a manner the least distressing to the poorer classes. He had never understood that the new Poor-law Act was expected to put an end to the existence of distress: if such, however, had been expected by anybody, he believed the attempt would be hopeless. He did not feel that it could put an end to distress, or that it was not a measure capable of alteration and amendment; but, comparing the provisions of that Bill with the old law, all he would contend for was, that the Bill as administered generally was a great improvement upon the old system; and, further, that it had an ascertained tendency to rescue the poor from the evils and the abuses of the previous system of parochial relief. Having stated thus much, he might say, that when the Committee was first appointed there was a doubt in the minds of the Committee as to what should be the course of the inquiry—in other words, towards what point the inquiry should first be directed. Some Members of the Committee thought it would be best to commence their labours by something of a more general examination into the operation of the law, by calling before them the assistant Commissioners, or other persons generally engaged in the administration of the law on this subject, and other Members of the Committee thought, that as the hon. Member for Berkshire had brought certain cases of alleged grievances and abuses before the notice of the House and of the public, it was most desirable first to ascertain the truth of those allegations and statements, and that those were the cases which demanded immediate inquiry, and, therefore, in compliance with the proposition of the hon. Member for Berkshire, acting on his suggestion, and in accordance with his expressed wishes, the Committee determined to go to those cases of grievances and abuses which had been selected and produced to the House by the hon. Member for Berkshire himself. He mentioned one union in Sussex; that was the case the hon. Member for Berkshire selected, and the Committee accordingly entered into that inquiry. The hon. Member now complained of the great dilatoriness—of his being overwhelmed by the witnesses called by the Poor-law Commissioners, and of the ability of the right hon. Baronet the Member for Cumberland (Sir J. Graham) in examining the witnesses. Now, with regard to the dilatoriness of the proceedings of the Committee something was to be attributed to the mode of proceeding adopted by the hon. Member for Berkshire himself, and he (Mr. Fazakerley) would put it to every hon. Member of the Committee to tell fairly to the House whether a great deal of time had not been unnecessarily wasted by inquiries into matters of most inferior character—into matters of the utmost indifference as to the general working of the Bill, and whether whole days had not been consumed, not in ascertaining the real effect of the measure, but by inquiries into little inferior, subordinate matters, which if denied in one way or another would not have any effect at all on the opinion of any man of common sense. Now, as to the manner in which the hon. Member for Berkshire said he had been overwhelmed by the witnesses of the Poor-law Commissioners. The Committee had called before them in all sixty-one witnesses, and of those sixty-one, thirty-eight had been called by the hon. Member for Berkshire. Of the questions put to the witnesses, there had been in number altogether 17,187, and of those questions 3,370 had been asked by the hon. Gentleman. The whole of the evidence was before the House and the country, and both the House and the country could therefore see whether the hon. Gentleman had not been afforded a full opportunity of making out his case. That evidence had been printed daily—it was in the hands of the public, who would have no difficulty in forming a just appreciation of the value as well as the number of the questions put by the hon. Member. That was the real state of the case with regard to the investigation. Now, one word with regard to Bradford. The hon. Member for Berkshire said he could not divine—he could not imagine why the Committee would not direct their inquiry to Hampshire after the investigation as to West Hampnett was concluded. Really the hon. Member must have been less attentive to the proceedings of the Committee than he had imagined; because, after many discussions, and after strangers had been excluded, it was determined by the Committee, on more occasions than one, that when the West Hampnett concluded, it would be most desirable to go to some of the manufacturing districts, where great apprehensions had prevailed as to the applicability of the new Poor-law to those districts. It had been determined by the Committee that the best way to satisfy the public mind, and at the same time their own minds, as to the applicability of the measure there, was to inquire into a district in which the provisions of the Bill had been for some time applied; and the only reason why Bradford was selected, was because it was thought to afford an illustration of the applicability of the Bill, and its effect, in the manufacturing districts. It was very disagreeable to him to be obliged to say anything respecting the rev. gentleman alluded to by the hon. Member for Berkshire, but he could not help saying, that his appearance was by no means creditable to his character and profession. In the petition which that gentleman had thought proper to present to the House, he complained of the report of the Committee, and criticized very closely the manner in which the evidence was taken. The House of Commons was well acquainted with the competency and great skill of Mr. Gurney and his assistants, and the accuracy of their report of the proceedings could not be doubted. There was one sentence, however, in the petition to which he wished to call the attention of the House, it ran thus:—"But, inasmuch as that report, though not in the main incorrect, is however incomplete, and gives but an inadequate representation of a scene which partook of the character of a dispute as much as that of an examination, he (the petitioner) adds a statement of certain other particulars which though unreported ought to be known." All he could say was, that the minutes o the proceedings before the Committee did not profess to give the details of them. The full report was left to Mr. Gurney and his assistants, who took down the questions and answers. There was then no ground for the complaint which had been made, that the minutes of the Committee did not give an adequate representation of the scenes which were alleged to have taken place, but which the petitioner did not attempt to describe. He must affirm, that he was not conscious of any remarkable scenes in the Committee. There was certainly some expression of a difference of opinion, which must necessarily arise in a case where persons of different sentiments were assembled for the purpose of making an inquiry. Some discussions—he would not call them altercations—had occurred, but they were never carried beyond the bounds of good breeding. He was therefore at a loss to know what was meant by the scenes to which not only the petitioner but the hon. Member for Berkshire had alluded. He regretted that the hon. Member for Southwark should have come to the determination not to go into the Committee again, because he had really done much to elicit the truth in his examination of the witnesses; and he regretted that the hon. Member for Berkshire should have come to the same determination, but on different grounds.

Mr. *Walter* did not know whether the House would permit him to say a few words strictly in explanation upon two or three of the points to which the hon. Chairman of the Poor-law Committee had just adverted. First, with regard to "the scenes," which the hon. Member said was an allusion which he did not clearly understand. As the hon. Chairman did not seem anxious to enter upon an explanation of them, he would not press his allusion to them further. "They were "scenes," however, which he believed had been communicated by the hon. Gentleman to the Speaker, and at which the rev. Gentleman whose petition he had presented could not have been present, as strangers were excluded from the Committee-room during the period of their occurrence. He would, not however, press the allusion further, as the hon. Gentleman appeared averse to it. As to the questions put by him to the various witnesses, which the hon. Member had said amounted to the number of 3,370, that, he asserted, was the best proof of the great hardship to which he had been exposed in conducting this inquiry. He had no account of the number of questions which had been put by the Committee up to the present time: but up to the conclusion of the Droxford and the Petworth cases, he had seen an estimate of the number of questions asked on each side; and that the House might not be led to suppose that the Commissioners and the poor had fought their battle in the Committee on equal terms, he would state, that out of 10,600 questions which had been asked in the investigation of the Petworth and the Droxford cases, the party friendly to inquiry into the actual condition of the poor—meaning thereby himself and his friends in the Committee—had only put 3,600 questions, whilst the party opposed to them had put 7,000 questions and upwards. In consequence of what the hon. Chairman had said respecting the reasons for taking the operation of the new Poor-law at Bradford as the next subject for the investigation of the Committee, he would beg leave to refresh the hon. Gentleman's memory upon one point. The subject had certainly been mentioned in the Committee, but it had not been formally decided that Bradford was the next place to be investigated until a resolution, which was passed very recently; on the contrary, in consequence of a resolution proposed by the noble Lord at the head of the Home Department, he had conceived that the operation of the new Poor-law in some part of Hampshire would be investigated next. Again, when the Committee first met, it had called upon him to state what case he would begin with first. He had then mentioned the case of the Petworth Union, but he had only mentioned it after considerable solicitation.

Mr. *Wakley* said, that it was with deep regret that he took any share in the present discussion, for it was his opinion that it was premature. He had not been aware of the intention of the hon. Member for Berkshire to bring forward his Motion. Had he been aware of it, he should have told the hon. Member that he could not concur in it. The speech of that hon. Member would lead the House and the country to conclude that a majority, a vast majority, of the Poor-law Committee were in favour of the continuance of the present Poor-law Amendment Act. He hoped the continuance of this inquiry would lead to an opposite result. His opinions were as hostile to the working of that measure as they were before he entered into the investigation; but as the Committee had only completed its inquiry into two unions, and had commenced with a third, it appeared to him that the hon. Member for Berkshire was only drawing the House into a conclusion which he would be the first to regret, in calling upon the Committee to make its Report as soon as it had closed its examination respecting the West Hampnett case. He thought the hon. Gentleman would stultify all his past proceedings by extorting from the House, at the present moment, an expression of opinion which must be favourable to the continuance of the present law. He should not go into the scenes before the Committee; he believed every Member of that Committee went into the inquiry as he did himself—with a desire to consider the matter honestly and fairly, and that each Member had his own opinion upon the subject. He must declare, that as far as the investigation had gone, he had not yet seen the necessity for instituting the law, and he had yet to learn that there were any circumstances requiring its continuance. But he was anxious to go on and labour in the investigation, and to examine into the whole of the cases of complaint, from whatever quarter they might arise, and also to discover, if possible, what reasons there were for the continuance of the present law in force. He did not despair of assisting the cause of the labouring classes as long as he saw the slightest disposition in that Committee to investigate the truth. There had been two or three circumstances connected with the proceedings of the Committee of which he disapproved. Of course, it might be concluded, that he was not the author of them, but he had been the mover of other proceedings of which others might also disapprove. He did not condemn the conduct of any Member of that Committee. He entered into the investigation, with a view to benefit two portions of the community at large—the poorer classes, and the medical attendants upon them, whose case had not yet been investigated. There were, then, two great classes of the community who demanded of him to continue the inquiry, and he could not, therefore, consent to give up his post. He confessed, that there was great difficulty in any man conducting himself so as to satisfy the conviction of his own mind on that Committee, and still more difficult was it to act with satisfaction to the country. The excitement which prevailed in the country upon this subject was excessive, and it would increase and continue until the whole of the operations of the Poor-law Amendment Act were fairly and thoroughly tested. He did not think that the value of an inquiry was to be estimated by the number of questions proposed. Certain it was, that an immense number had been proposed during this inquiry, and many of them, he must say, seemed to be rather irrelevant, because they related to matters not connected with the great principle which he thought ought to have been kept in view. From the beginning, it had been his object to prove that the present law ought not to be continued in force. He admitted, without hesitation, that he believed that law to be unconstitutional; but he would not, therefore, presume to misrepresent the proceedings and motives of other persons. Every man has his own prejudices, and while he found fault with others, he was liable to the same criticism. He must dissent from the opinions of the hon. Chairman of the Committee, who seemed to think that the small details of the Bill ought not to be touched on. Why, the operations of the Bill wholly consisted of details with regard to the treatment of poor persons, and he for one believed that able-bodied paupers had been most severely pressed on by the clauses of the Bill. He believed, that if the sense of the Committee were taken, only three would be found to give an opinion unfavourable to the law. Some, perhaps, might wish not to vote at all, but he rather thought that fifteen or sixteen would vote that the Bill was beneficial to the poor in most of its details. The hon. Member for Berkshire was more hostile to the measure now, than when he first entered into the Committee. He would then ask him would he carry the object he had in view by carrying his present motion? He was for condemning the existing law, but the success of the hon. Member's motion would terminate the proceedings of the Committee, and cause the expression of an opinion favourable to the operations and continuance of that law. He, therefore, could not agree to the motion, because he thought, on the contrary, that inquiry should still be prosecuted—that it should go on without let or hindrance, being anxious that all classes of the community should have an opportunity of expressing an opinion either for or against the measure. He must say, that the organization against his party in the Committee—that was to say, against those who opposed the Bill, was most powerful. Not only in the Committee, but throughout the country, they had a vast array of wealth, influence, and talent against them, and there was not a spot where that combined power was not brought to bear upon the subject. But what was the condition of the poor and necessitous classes in the country? What means had been taken for collecting the names of individuals who might give adverse opinions, and sending them before the Committee? A proposition of that kind had been made, but only two or three voted for it in the Committee; yet, from first to last, the assistant-commissioners had been sitting in the Committee-room watching the proceedings and despatching their messengers with all speed to acquire and furnish the most available and ingenious matter for cross-examination. Now, he thought that when such an investigation was carried on at the expense of the country, and professedly with a view to the benefit of the poorer classes, it was not fair that the aristocratic party and the wealthy alone should have an opportunity of bringing their organization to bear in favour of their own views, while the poor were shut out altogether from giving any evidence that could lead the House to form correct opinions with regard to the law, its operation, and effect. [*Cries of* "*No.*"] It was very easy to cry "no" or "yes," but was it not true that their object had been to cut down the power of the Poor-law Commissioners? Was it not true, that complaints had been made against the operation of this law, and the parties implicated had been sitting in the Committee-room enjoying every facility, while the complaining parties had been altogether denied access? He did not mean to say the Chairman had refused to admit them; the conduct of that hon. Gentleman had been most impartial throughout, just such as he had expected from the organization of his head. But then the poor persons in the country had no opportunity of sending up the evidence to the Committee; because those on their side had not an opportunity of sending messengers to collect the names of persons most competent to give evidence. Of that unfairness, he had felt it his duty to complain. Whatever the House might feel, and whatever the hon. Member for Berkshire might think, he felt bound to vote against the motion. He was quite content to rest the question on the good sense and discriminating justice of the mass of the people of this kingdom. Although he might be called an agitator in a little way, he would rather agitate at all times in a tone of good humour than for the sake of promoting discord, knowing that when the mind was agitated by acrimonious humours, it was seldom able to come to correct conclusions. He would rely upon the good sense of the people of this country for the result of this question. Should the fact appear to be that the poor were shut up and immured in prison-houses, and that they were illtreated, the voice of the country would soon declare that such a system ought not to be continued. He was told, that the system tended to make men more independent, because it made them rely on their own exertions; but when he found that the payment of part of their wages out of the Poor-rate was discontinued, and that their employment did not increase, but a diminution in their incomes was the inevitable consequence, he was utterly at a loss to know how the new system tended to make them more independent. It was true, that they might become humble and submissive, anxious to retain their places and to continue under their old masters. [*"Hear, hear!"*] That observation was cheered by the other side of the House; he did not wonder at it, because it had always been the old Tory practice to keep the mass of the community dependent and submissive. That was the old Tory doctrine, and the Bill was founded on it. He was anxious to see the labourers of this country made an independent body of men, and carrying themselves as men of the highest birth in this country, relying on their own honest industry for the maintenance of those comforts which they were as capable of enjoying in their cottages as was the nobleman in his mansion. But when he saw a law in force which depressed the spirit of the labouring man, and cast him down under the domination of his employer, while, at the same time, his employer was enriching himself by means of that labour, he was anxious to produce a change, which if it did not destroy the arbitrary power of the master, might at least give an adequate compensation to the labourer, and secure to him those rights and privileges which he ought to enjoy. The whole subject was one of a disagreeable character, because the investigation of it must lead them to a conviction, that however they might try to relieve the distresses of the labouring classes, there were social evils contingent upon civilization which it was not in the power of the Legislature to prevent. He said that, because there were many hon. Gentlemen in that House who believed that the enactments of laws by that House would relieve every kind of distress and indigence to which the working classes were liable. He believed, that such an opinion was altogether utopian. There always would be idleness, improvidence, and accidents. It was not to be expected that persons who were improvident could be made more prudent and consistent in their conduct by any laws which that House might pass. At the same time, it was the duty of the Legislature to provide for the relief of the poor. He would not anticipate the decision of the Committee, or the opinion of any hon. Member who might think proper to do so—he was content to rely on the humanity of the Committee, and their desire to relieve the distresses of the poor; and whatever difference of opinion they might entertain respecting this law, they were bound to make a bold and candid exposition of the ills that pressed upon any class, whatever they might be, and communicate them to that House, in order that a remedy might be applied. If all the evils of this measure could not be remedied, he hoped, at least, that they would immediately remove those which they had power to remove.

Sir *A. Agnew* rose, for the purpose of vindicating the character of the rev. Mr. Dewdney from the attack which had been made on it by the hon. Gentleman (Mr. Fazakerley). In the course of last year, he had had occasion to correspond with that rev. gentleman, who was incumbent of Portsea, on the subject of a bill which he was known to have very much at heart. In the course of the correspondence, Mr. Dewdney expressed his anxiety to place the melancholy condition to which the poor were reduced by the operation of the Poor-law Amendment Act under the consideration of some active and intelligent Member of Parliament. As he (Sir A. Agnew) was aware that the hon. Member for Berkshire had bestowed great attention on the subject of the Poor-laws, he had transmitted Mr. Dewdney's letter to him, and that circumstance had led to a correspondence between the hon. Member for Berkshire and Mr. Dewdney, and to Mr. Dewdney's subsequent examination before the Committee. As he (Sir A. Agnew) had thus unwittingly been the cause of bringing Mr. Dewdney's opinions before the Committee, and of subjecting him to some very disagreeable remarks, it was only an act of justice on his part towards Mr. Dewdney to declare, that both in his private capacity, and in his professional character, he was a most amiable and respectable man.

Mr. *A. Trevor* had not been disposed to take a part in this discussion, but felt bound to answer an observation made by the hon. Member for Finsbury respecting the old Tory feeling. He had said, that feeling was to keep down the lower classes of society. If the hon. Member entertained that opinion, he knew very little about the old Tory feeling, which he must tell him would contribute as much as the most Radical feelings in that House to the best interests of their fellow men. He said that, because on this particular question he differed very materially with the hon. Gentlemen, amongst whom it was his habit to sit and vote in that House. But, at the same time, he must deprecate the insinuations the hon. Member thought fit to cast on the Tory party. However much Radical contempt might be poured on his sentiments, he was not ashamed to avow them; and he must say, the conduct of the hon. Gentlemen opposite was neither creditable nor justifiable. If the hon. Member for Berkshire took the sense of the House, he should feel it his duty to vote with him, because he was confident that no hon. Gentleman had taken up this question upon purer or more philanthropic motives, or with views more conducive to the best interests of the lower classes of his Majesty's subjects than that hon. Member. He was not friendly to a total repeal of the principle, but he had the greatest possible objection to the details of this Bill, many of which were of the most oppressive, tyrannical, and unjust character. He felt himself bound to support the motion of the hon. Member for Berkshire, because, as far as he could judge from reading the evidence, it appeared to him the inquiry had been conducted not in the most impartial spirit, while that stress had not been laid upon those facts which their importance demanded, at all affecting the oppressive character of the law. He spoke strongly on this subject because in the union where he resided he had witnessed scenes from which humanity revolted; he, as an individual, and the whole of his brother magistrates, were utterly powerless, while a system of tyranny was pursued which the law itself never could have contemplated, and was a disgrace to the feelings of Englishmen. Deferring to the views and judgment of the hon. Member for Berkshire, he should support whatever course he thought it expedient upon the present occasion to adopt.

Lord *John Russell* wished to say a few words on the question now before the House. He did not think the question which they were now called upon to decide had reference either to the principle or operation of the Poor-law Amendment Act. If it were so, no doubt it would lead to a much longer and more important discussion, and it would be necessary to hear the various Members fully stating their views upon the subject. The hon. Member for Berkshire had made a specific motion with respect to the inquiry now going on, and proposed that in the first place the proceedings of a certain day be reported to the House, and in the second place, that the Committee report their opinion upon the evidence after going through the West Hampnett union. Now, with respect to the first point, he did not think the hon. Member for Berkshire had made out any case for the interference of the House. With respect to the second point, if the instruction that the Committee report their opinion on the evidence after going through the West Hampnett union, had come from an advocate of the law, it would have been argued, looking to the fact that the great majority of the Committee and of the House were favourable to the law, as an improper interference with the proceeding for the purpose of obtaining a premature opinion in favour of the Bill. He was surprised this motion had been brought forward by the hon. Member for Berkshire; it was calculated to prejudice his own view of the case. It would be much better that the Committee should diligently and faithfully go through the whole of the evidence submitted to them as they were doing, before they were called upon to report their opinion to the House. With respect to the course which the Committee had pursued after the honourable testimony of the hon. Member for Finsbury, it was unnecessary for him more particularly to allude to it; because whether or not the hon. Member had ascribed it to its proper cause, he was sure his hon. Friend, the Member for Peterborough (Mr. Fazakerly), would not state any thing to the House which was not founded in the strictest truth, and would not conduct the proceedings of the Committee in any other spirit than that of perfect impartiality. The Committee had hitherto confined their inquiries to only a few unions, which had shown, in a great measure, the operation of the Bill in the agricultural districts. It was now proposed, and he thought it most expedient, that they should go very soon into an investigation with respect to the manufacturing districts and the large towns of the country. That was a subject which required investigation. He for one would be glad to hear the evidence which would be produced upon that point which was in some respects new. The result might be such, with respect to the operations of the Bill in large towns examined by the Committee, as none of them were at present prepared for. He could see no ground for interfering at present with their proceedings; above all, he should oppose the motion of the hon. Member for Berkshire, a motion far from being at all favourable to the peculiar views of that hon. Gentleman, and which called upon the Committee to come to a premature decision, while they were conducting the investigation with greater fairness and greater deliberation than his motion, if successful, would allow.

Mr. *Harvey* thought he might venture to offer a suggestion to the House which it would be convenient to follow, and which might be regarded as more opportune at the present moment, inasmuch as the noble Lord (J. Russell) had given notice of his intention, whenever this matter was disposed of, to name a very important Committee on the subject of Church leases. The suggestion was this, that before any Member was appointed on a Committee, he should undergo a craniological investigation by the hon. Member for Finsbury, those only being selected who had all the requisite pretensions to the situation they should be called upon to fill. He was quite willing to subscribe to the accuracy of the lecture on the head of the hon. Chairman of the Committee, courtesy had been the prevailing characteristic of all his proceedings. He wished his hon. Friend (Mr. Wakley) had also examined the head of the hon. Member for Berkshire, for then the cause would in a great degree have been explained—possibly by the extraordinary development of caution or secretiveness why they had not been informed beforehand of the precise nature and objects of his present motion. At the same time he thought this motion both intelligible and useful. It consisted of two parts. The object of the first was that the hon. Member for Berkshire might be allowed to imitate his example by retiring from the Committee; the other was, that the Committee should be called on to report when it had finished the investigation into a union which was one of the three which had absorbed their inquiries during the three months they had been directed to that branch of the subject. Although a great number of petitions had been presented from agricultural unions and counties imploring an inquiry into the operation of the law, the Committee at an early period came to the resolution that after examining into four counties they should proceed into the manufacturing and afterwards into the metropolitan districts. From some cause or other, however, they had relaxed that resolution, and at length they had determined to stop their inquiries into the agricultural branch of the subject with the union now under consideration, and immediately proceed to the town of Bradford. Were the Committee, then, satisfied, upon their inquiries, with the working of the Bill in the agricultural districts, or were they not? If they were, why not report? If they were not, why go to Bradford? This would add to the interminable character of the inquiry, and make it altogether impossible that the Committee could ever arrive at any satisfactory result. They had consumed three months in putting 17,000 questions in the case of three unions, there being upwards of 400, of which three-fourths were agricultural. He had himself presented numerous petitions from Essex and Suffolk, urging an inquiry calling for an investigation into the operation of the law in those districts, and yet no inquiry had been instituted—none was likely to take place. Did they think they could in this way arrive at a practical and satisfactory conclusion? It was all a delusion, not designedly, perhaps, but still a delusion to which he would be no party; after seeing the mode of proceeding in the Committee, he felt that sitting there four hours a-day three days in the week would only tend to strengthen the delusion, and he therefore had retired from it. He should like to know from the Chairman why the Committee proposed to depart from the course which had been originally chalked out. The hon. Member for Finsbury had cogently and appropriately enforced the unjust working of this inquiry as affecting those parties who were undoubtedly most concerned, and least protected. Never before had there been a Committee of that House on any one subject, whether upon agriculture, commerce, the monetary system, or anything else, but there had been the promoters of the inquiry and those protesting against it,—men of capital, interested on either side, and ready to apply all their resources in aid of their particular views. But who were the parties in this instance? Those who were interested in having saved, or who said they should save, 2,000,000*l.* or 3,000,000*l.* a-year, out of the aggregate poor-rate and the industrious classes, from whom they took that money. What power, means, or agency, had the poor in that Committee, by which their interests might be protected and suitable evidence produced in their support? He knew very well that the hon. Member for Berkshire, although he might say it was fashionable to taunt him, had spent hundreds, ay, thousands of pounds; but a most unwarrantable impost had been thrown on him to bring together the evidence which had to be adduced. How could the hon. Member be expected to accomplish such a task? Every morning that hon. Member received, in common with himself, many more letters than the privilege of the House embraced, from persons in all parts of the country, expressing their opinions, stating facts within their own knowledge, wishing to be examined, but whose veracity they had no means of immediately ascertaining, and which would require a board of clerks with salaries equal to the Board of Commissioners for the purpose of diving into representations from so many quarters, some of them perhaps delusive, many of them exaggerated, but all entitled to examination. On the other side there sat the organs of that highly-paid board—men obviously shrewd and intelligent, with their secretary and clerks noting down every thing stated, and sending, under the sanction of the board, to persons in the country, with whom they were in constant communication, to ascertain how far the facts stated were true, or could be contradicted by opposing statements. Never was machinery more perfect on one side, never was helplessness so complete on the other. It was therefore at an early stage of this inquiry that he had ventured to intimate to the noble Lord the leader of that House that it was only just some small grant of 200*l.* or 300*l.* should be allowed, in order that a suitable clerk might be appointed for the purpose of going into the statements that might be given, and if necessary proceeding to the country, and investigating them on the spot. According to the mode in which the Committee were now proceeding, they might sit as long as they pleased, they might go into the inquiry with as much sincerity as was compatible with selfishness, but no good would result from it. Talk about raising the condition of the poor! When was it this refined sentimentality first came into their hearts, and they began to feel an anxiety to raise the poor in the scale of being, and give them that grandeur of character they assumed for themselves? It was not till the landlords at the audit table heard their tenants murmuring on account of the pressure of tithes, of poor-rates, and of rent, in the same breath, that they found their own helplessness, and, under the insulting pretence of an anxiety for the condition of the labouring classes, advocated this Bill, the great object being to protect themselves. This was the result of evidence, and it was curious to observe how, in that Committee, certain members, who were landlords, attempted, by confining their questions to one point, to lead the witness to own that the condition of the farmer was much improved in consequence of the saving which had been effected in the charge for poor-rates. One witness said, he formerly paid 60*l.* for poor-rates and now he only paid 30*l.*, and therefore he could employ more men than before. But would 30*l.* off the rent not produce the same result? It appeared that the average wages of a working man was 9*s.* a-week, and the change it was said had given him an increase of 1*s.* a-week. But the plain question of arithmetic was this,—a poor man who laboured from morning to night formerly received 9*s.* from his master and 3*s.* or 4*s.* from the parish; how then would the taking away of the 4*s.* and giving him 1*s.* instead, add to his comfort? It was in fact taking away from him twenty-five per cent of his income. And although they listened to the hon. Member for Berkshire with indifference, and sanctioned the proceedings of the tyrants of Somerset-house, having no sympathy with the poor, how would they exclaim if a property tax were imposed upon themselves of twenty-five per cent, abstracting from their income 2,500*l.* out of every 10,000*l.*? The hon. Member concluded by repeating his conviction that the labours of the Committee, however strenuous and protracted, would end in delusion.

Mr. Sergeant *Goulburn* was anxious that his vote on the present occasion should not be misunderstood, and he should confine himself to stating, in few words, the grounds on which it would be given. He was amongst those who felt that the country was deeply indebted to the hon. Member for Berkshire for having instituted an inquiry into this all important subject. He had always insisted that such an inquiry should be a full and fair one, and he therefore could not consent to vote for a proposition which would compel the Committee to make a report upon evidence incomplete, and before both sides had been heard. Still less would he wish to stop the Committee from prosecuting their investigation just at the moment when it would seem it was about to take the direction of the manufacturing districts? for representing as he (Sergeant Goulburn) did, a large manufacturing town, he was most anxious to have the operation of this most unjust law in such districts as those fully and searchingly probed and discussed. He confidently anticipated that the result of such an inquiry would be to prove many of the details of this Bill to be, in large towns, harsh and unjust, and opposed to the spirit of the constitution, whatever might be supposed to have been its working in purely agricultural districts, where the population was less dense and of different habits and character. He must be allowed to say, that he entirely concurred in the opinion of the learned Member for Southwark, that the poorer classes—those who complained of and suffered by the operation of this Bill—were not adequately represented in the Committee. No sufficient means were afforded to them of bringing their case fully before the Committee. On the one side, and that by far the stronger and most influential, there was every sort of organization and arrangement, every facility afforded to produce and make the most of testimony favourable to those who produced it, whilst on the other, the weaker and destitute class, upon whom the Bill so pressed, no one was at hand to marshal or give effect or arrangement to their evidence. He trusted that the Committee would at all events lend every facility within their power, to the case of the poor when submitted to them, and this he felt assured they would do when they considered the serious character of the inquiry devolved upon them. He must add, that the present moment was one peculiarly fit for extending the inquiry in question into manufacturing towns, since he grieved to say that distress was at this moment sadly prevalent in them, and in consequence the working of this law was the subject of much excitement, which could only be allayed by an impartial and searching investigation which would satisfy the public mind on the one side or the other. In conclusion, the learned Sergeant entreated the hon. Member for Berkshire to withdraw that part at least of his motion which went to compel an immediate report from the Committee on evidence only in part heard before them, and to arrest their progress at the moment they were about to enter upon the most important branch of their inquiry, namely the working of this Bill in the manufacturing districts.

Mr. *Walter* would have no hesitation in withdrawing the latter part of his motion, confining it to the production of the ninth day's evidence.

Mr. *Villiers* was anxious to say one word with reference to what had fallen from some of the hon. Members who were on the Poor-law Committee. They had implied that the Committee could not conduct its inquiries with any advantage, because there was no adequate means provided for one party to the inquiry, namely, the poor being represented there; and that this arose, as they said, because the Committee had not assented to the proposition that was made, that some person should be appointed for that purpose. This was but a partial statement of what had occurred in the Committee. The question had been deliberately discussed, and those who purported to represent the poor had been asked to suggest any plan by which this object would be effected. And what had they proposed? He thought it was the proposition of the hon. Member for Finsbury. Why, that a Commission should be appointed; by the Crown to go into the agricultural districts, and there to collect evidence to show the working of the law, and the opinion of the poor on this subject; and that the Home Secretary should recommend the persons who should be appointed, or as it was proposed by another, that the Home Secretary should nominate a person who should attend to the interests of the poor on the Committee. What was immediately said to this proposal? Why, that the present Commissioners were appointed by the Crown on the recommendation of the Home Secretary, and that all the evidence on which the Bill proceeded was collected by persons who were named by Commissioners under the Crown, and that was the reason why they had not the confidence of the public or of the poor. How were the new Commissioners, those proposed, springing from the same authority, to have more weight or influence than the Government by whom they were appointed. And it was on this ground and no other, that this project was resisted. It was then urged in the Committee that the members wished to learn the truth with respect to the working of the Bill, and that they would attend to any suggestions that were made for that purpose; that they would send for any persons or inquire into any matter that would elucidate the truth; and that they were ready to abide by the result. The hon. Member for Berkshire came now with his vote of censure upon that Committee for not acting fairly; but what had he or the hon. Member for Finsbury done to justify the charge that they had made against that Committee? Much had been implied, and much insinuated, but what had been stated or proved? And would it not have been better to have come forward with some distinct charge or statement against some member or members of that Committee who had misconducted themselves, who had acted unfairly, or who had deviated from some rule in the conduct of similar inquiries, than merely to insinuate that the Committee was composed of a few of the exclusive friends and many of the exclusive enemies of the poor. He sat in that Committee to inquire into the truth, and cared not what was the result; and let any man bring forward his charge openly and manfully against him, if he had reason to complain of him, but do not let him insinuate that he is not as friendly to the poor as any who pretend exclusively to that merit. If anything is to be alleged against the Committee, it was what was stated by the hon. Member for Southwark, namely, that they could not constitute out of this House a Committee that would do real justice to the subject of the inquiry, because there were not hon. Members who were sufficiently acquainted with the interests and circumstances of the poor to understand the conduct of such an inquiry. This was intelligible; but this was not an attack on the Committee, but a complaint against the constitution of this House. The hon. Member means that there are not hon. Members here who really understand or represent the interests of the working classes, and he honestly points to the remedy for this evil, in extending the means to the people of having their representatives in this House. His remedy is the extension of the suffrage. He would give the working classes generally the franchise; and then, when they were really represented in this House, there would be hon. Members who would be ready to serve on Committees who understood and were ready to promote their interests, and who would require no Commissions, or no paid agents, nominated by the Crown, to support them. Now, when this was the obvious remedy for the evil for which the hon. Member for Berkshire complained, if there were ground for his complaint, let the people know with what sincerity he and the hon. Member for Durham pleaded the cause of the poor by the declarations they made to-night of their readiness to extend the suffrage, and thereby give the people the power to right themselves. This will be the test, then, of their sincerity. They condemn the conduct of Committees, and the hostile feeling of this House to the poor, who have not the franchise. Are they, or are they not, then ready to extend the franchise? Let them state this distinctly to-night, and let every man ask them, when they appear on the hustings with the Poor-laws in their mouth, what are their views on this question; and let the people judge them by their answer. Unless the hon. Member for Berkshire was prepared to advocate the extension of the suffrage, he could hardly surmise why he proposed now to retire from the Committee; unless, indeed, he (Mr. Villiers) was to follow his example, and impute motives to him which he could not prove; and suppose that he retired from the Committee because he was about to face his constituency, who were, as an agricultural body, favourable to the Bill, and dissatisfied with the course that he had pursued during the inquiry, he was as much justified in imputing to him that object as he had been in imputing to him (Mr. Villiers) an undue bias in favour of the new law, because he had collected evidence of the working of the old law, and he thought that the hon. Member for Berkshire had no right to impute to any Member of the Committee that he was not as desirous of doing his duty, or eliciting the truth without prejudice, as himself; for certainly he was as open to have his motives suspected as any man.

The House divided on the original motion: Ayes 119; Noes 30: Majority 89.

List of the Ayes.

Adam, Sir C.
Angerstein, John
Anson, Colonel
Baines, Edward
Barclay, D.
Baring, Francis T.
Beckett, Sir J.
Bentinck, Lord W.
Beresford, Sir J. P.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brodie, W. B.
Buller, Sir J. B. Yarde
Bulwer, E. L.
Byng, G. S.
Clements, Viscount
Clive, Edw. Bolton
Codrington, Sir E.
Collier, John
Cripps, Joseph
Crompton, Samuel
Denistoun, Alex.
Dennistoun, John
Dillwyn, L. W.
Dobbin, L.
Donkin, Sir R. S.
Duffield, Thomas
Dugdale, W. S.
Elphinstone, H.
Estcourt, T.
Evans, George
Fazakerley, J. N.
Fergus, John
Ferguson, Sir R. A.
Fergusson, R. C.
Folkes, Sir W.
Fremantle, Sir T.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Grey, Sir G.
Gully, John
Harland, W. Charles
Hastie, A.
Hawkins, J. H.
Hay, Sir And. Leith
Hillsborough, Earl of
Hobhouse, Sir J. C.
Howick, Viscount
Hutt, W.
James, William
Knatchbull, Sir E.
Lambton, Hedworth
Lefevre, Charles S.
Lennox, Lord G.
Lister, E. C.
Macleod, R.
Mactaggart, J.
Mangles, J.
Marshall, William
Marsland, Henry
Marsland, T.
Martin, J.
Melgund, Viscount
Miles, W.
Murray, J. A.
Musgrave, Sir R.
O'Conor, Don
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P.
Philips, G. R.
Ponsonby, hon. J.
Potter, R.
Poulter, John Sayer
Price, Sir Robert
Pryme, George
Pusey, P.
Rice, rt. hon. T. S.
Rickford, W.
Robinson, G. R.
Roche, W.
Rolfe, Sir R. M.
Rundle, John
Rushbrooke, Colonel
Russell, Lord John
Sanford, E. A.
Scourfield, W. H.
Sharpe, General
Sheppard, Thomas
Smith, B.
Smyth, Sir H., bt.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Tancred, H. W.
Thornley, T.
Trelawny, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Walker, C. A.
Wallace, Robert
Ward, Hen. George
Wilbraham, G.
Williamson, Sir H.
Wood, Charles
Wrottesley, Sir J.

TELLERS.

Maule, hon. F.
Steuart, R.

List of the Noes.

Borthwick, Peter
Brocklehurst, J.
Brotherton, J.
Chichester, A.
Duncombe, T.
Fector, John Minet
Fenton, John
Fitzroy, H.
Forbes, Wm.
Goulburn, Sergeant
Grote, G.
Guest, J.
Harvey, D. W.
Hawes, B.
Hinde, J. H.
Hindley, C.
Hodges, T. L.
Hume, J.
Humphery, John
O'Brien, W. S.
Pelham, John C.
Somerset, Lord G.
Thomas, Colonel
Thompson, Colonel
Trevor, hon. A.
Villiers, Charles P.
Wakley, T.
Whalley, Sir S.
Williams, W.
Young, G. F.

TELLERS.

Walter, J.
Fielden, J.

The House went into a Committee of Supply. The Ordnance estimates were agreed to, and the House resumed.

HOUSE OF LORDS,

Monday, June 19, 1837.

Minutes.] Bills. Read a second time:—Commissioners of Bankrupts; Pillory Abolition; and Theatres Regulation.—Read a third time:—Public Works (Ireland).

Petitions presented. By Lord Brougham, from a place in Scotland, against the Scotch Municipal Reform Amendment Bill; and from the Vestry and Householders of St. Luke's, Middlesex, in favour of the plan for the abolition of Church-rates; and a second, to the same effect, from a Dissenting congregation.

Municipal Corporations.] Viscount *Melbourne* presented a petition from the city of Bristol, to which he begged leave to call the attention of their Lordships. The petition was agreed to at a public meeting held in that city, and had 7,386 names attached to it. The object of the petition was to call on their Lordships to pass the Irish Municipal Corporation Bill. The petitioners took that opportunity of denying the accuracy of the statements contained in a petition presented on a former evening by a noble and learned Lord opposite, which went to impugn the correctness of certain observations made by him (Viscount Melbourne) as to the working of the Municipal Reform Bill in Bristol. The observations which he had made were not founded on any feeling that might be supposed to exist in the city of Bristol generally, nor were they connected with any expression of feeling that might have emanated from a public meeting, but were based on evidence which had been carefully obtained with respect to the working of the Municipal Corporations Bill. His object was to give his opinion as to the actual working of that Bill, so far as he had been able to collect evidence with respect to its operation. The petition which had been presented from other parties in Bristol, contained statements opposed to the facts which he had laid before their Lordships, the correctness of which he could refute by a reference to documents. He, however, would not trouble their Lordships by noticing them all, but would merely press on their attention one of the points actually in dispute. That point had relation to the efficiency of the police system in checking and preventing crime under the new Municipal Bill. He was now prepared to show, that what he had formerly said, was perfectly correct; and in doing so, he should rely on an authority which he was certain would have great weight with their Lordships. The present Recorder of Bristol (Sir C. Wetherell), was the authority to whom he referred. He had the concurrence of that learned personage in support of the fact, that the Municipal Corporation Bill had operated most beneficially in introducing an efficient police into Bristol. As the opinion of that learned Gentleman on this subject was very important, he could not refrain from alluding to it. At the quarter sessions held in July, 1836, the learned Recorder stated, that though the population of the city had increased, in consequence of the extension of its ancient limits, yet crime had diminished. At the quarter sessions held on the 8th of October, the same learned person stated, that it was true misdemeanor had increased, but that, considering the great increase of population occasioned by the Municipal Reform Act, crime had decreased. In January, 1837, the learned Gentleman stated similar sentiments; and at the same quarter sessions the grand jury said, that they felt it to be their duty to express their approbation of the improved state of the police. Finally, in April, 1837, the learned Recorder expressed great satisfaction at the efficiency of the police, observing, that taking all circumstances into consideration, the town had benefitted by the new system of police. Such evidence as he had adduced would, he thought, answer every objection that had been raised on the subject of police; and as for the other points, he would not trouble the House by referring to them.

Lord *Wynford* had every reason to believe, that the statements contained in the petition presented by him, were perfectly correct. He hoped that the noble Viscount would move for a Committee to inquire into the subject. If the noble Viscount took that course, he pledged himself to prove that the statements contained in the petition were accurate.

Petition laid on the table.

IRISH FISHERIES.] The Earl of *Glengall* presented a petition from certain landowners on the banks of the river Suir, complaining of the encroachments on the rights of fishing. He took this opportunity of calling the attention of his Majesty's Government and the House, to the importance of the subject of the Irish Fisheries; both the deep sea fisheries, and the in-shore fisheries. The deep sea fishing was a question vitally interesting to the poor of Ireland, and one which could not be avoided whenever the subject of Poor-laws was discussed. "It is notorious (continued the noble Earl) that the coasts of Ireland abound with fish in greater quantities than the coasts of any other portion of the globe; yet so great is the poverty of the people, that they are unable to avail themselves of the blessings which Providence has so liberally placed within their reach; hundreds of thousands might be employed in this trade—yet what is the case? In 1822, there were 7,655 boats and 36,000 men employed; in 1830, there were 13,119 boats and 64,000 men; this increase was the consequence of the bounty given by Government. After that period, the bounty was withdrawn; and in 1836, the boats had decreased to 10,761, and the men to 54,000. I shall not argue the propriety of bounties; but the facts here detailed, speak for themselves. The greatest destitution prevails among the fishermen on the north-west and south-west coasts—those are poor countries, but it is the same in more favoured districts; near Dublin, great distress prevails; at Dungarvon, also on the south-east coast, the case is the same. The people have not the means of procuring boats or implements for fishing. He was glad to find that the Board of Public Works were intrusted with the interests of this trade, as he was sure that that most intelligent officer, Colonel Burgoyne, would assist them to the utmost of his power, as there was still about 12,000*l.* of the money appropriated by Parliament for their use, untouched and unavailable. Surely, it would be well for Government to encourage this trade as a nursery for seamen for future exigencies, instead of inducing so valuable a class to emigrate. He strongly urged this point on the consideration of the Government. Now, as respects the in-shore fishery, the state fishery is one of deep importance as regards property in one sense, and the tranquillity and moral habits of the peasantry on the other. Dreadful outrages have been the result of the defective state of the laws, arising from the undefined rights of parties to the strands and wastes at the mouths of the rivers. Last month, a vast body of individuals, above 1,000 persons, armed with guns and scythes, attacked the weirs of Mr. Hector, of Kildoney, near Ballyshannon, in the county of Donegal, destroyed his boats and nets, and endeavoured to seize Mr. Hector, and murder him. Only a few days ago, a second attack was made on his property. The noble Earl then read the following statement:—

> "County of Donegal.—On Friday night, or Saturday morning last, between 200 and 300 of the peasantry assembled at Kildoney, within three miles of this town, armed with guns, swords, scythes, and pikes; and after firing into several windows, where they suspected Mr. Hector and Mr. Kelly (his assistant) were concealed, they proceeded to Mr. Hector's store, from which they took his nets and other fishing tackle, and placing them in a pile, set fire to and completely consumed them. They then got boats and proceeded to where he had other nets set, which they also destroyed, and broke his boats in pieces. They thus openly set at nought the Lord-lieutenant's proclamation (issued last week), offering 40*l.* for the discovery of any of the persons concerned in the previous outrage, as stated in our last. Shots were fired, after which they quickly separated. About 10 o'clock that night some person came to Mr. Kelly's house at the Abbey, and desired him to get up and conceal himself, or he would be murdered, which he did just in time to save his life, for he was not long out when an attack was made on his dwelling, but, finding he was not there, they decamped after firing some shots. Mr. Hector was so alarmed at their formidable appearance, that he resolved on coming into this town; and having taken up his abode in the house of Mr. Wilson, a Scotchman, the house was attacked on Saturday night, and the windows smashed."

This is the state of things in the north. In the south, a few years ago, vast bodies collected from the counties of Tipperary, Kilkenny, and Waterford, and destroyed all the Scotch weirs in Waterford haven. On the 6th of June only, an immense concourse of persons destroyed the weirs between Waterford and Duncannon Fort. The noble Earl read this extract:—

> "Terrible Conflict.—Waterford. An immense concourse of persons went down the river in cots on Tuesday, for the purpose of destroying the weirs between this city and Duncannon, which have been illegally erected, and are destructive, in a great measure, to the salmon of the Suir. They proceeded vigorously in their work of levelling until they had been seen by the county of Wexford people, who assembled in great numbers to the banks, and succeeded in restraining them from further devastation. A fight immediately commenced between the adverse parties, the cotmen flinging stones at an awful rate, they being replied to by as thick vollies from the shore. We regret exceedingly to record, that two of the country people, of the names of Walsh and Doyle, fell in the conflict, having received such injuries as deprived them of existence."

Surely this is a state of things which ought not to last. Allowing the country people to take the law into their own hands is productive of most serious results, especially in a country like Ireland, unfortunately too prone to disturbance; all this arises from the uncertainty of the rights of erecting Scotch weirs on the strands. Suits at law have frequently been tried, and generally gone against the proprietors of these weirs. The 10th of Charles 1st, in the Irish statutes, "enacts and secures to the public a right to the use of the strands and wastes on the shores of Ireland for fishing purposes, and confers a complete freedom of fishery to all British subjects." This act is not repealed; it would be well that it was more distinctly defined, as it is the cause of all these scenes of outrage. Higher up these rivers, especially this very river, which runs into Waterford Haven, all species of illegal means are resorted to to destroy the fish; in the town of Clonmel, where there is a mayor and county and stipendiary magistrates, the law is daily violated by the millowners in the most unblushing manner; the consequence of this is, the country people, imitating the example of their richer brethren, do the same; they collect in bodies and proceed at night to poach; these parties generally end in sheep-stealing expeditions and carousals in unlicensed whisky houses, and a general demoralization ensues. Frequently, under pretence of fishing, predatory parties meet, and, as the police are by the Constabulary Bill not allowed to interfere in fishing matters, they are allowed to molest the country unrestrained. This law requires revision. I should beg to recommend, as there are seventy-nine statutes on the subject of the Irish fisheries, that they be consolidated into one plain act, the construction of which I consider to be well worthy the attention of his Majesty's Government. "I move that there be laid on the table of this House the constabulary reports of the attacks on Mr. Hector's property at Kildory, in the county of Donegal, and that on the weirs between Arthurstown and Duncannon Fort, committed in the months of May and June ult."

Motion agreed to.

HOUSE OF COMMONS,

Monday, June 19, 1837.

Petitions presented. By Sir E. HAYES, from Donegal, against Medical Charities Bill.—By Sir R. DONKIN, from Berwick upon Tweed, against the Boundaries of Boroughs Bill.—By Captain WEMYSS, from Fifeshire, against Prisons' Scotland Bill.—By Mr. PARROTT, from Dawlish, against Highway-rates Bill.—By Sir JOHN WROTTESLEY, from Staffordshire, for alterations of New Poor-law Act.—By Sir GEORGE CLERK, from Kilmarnock, and Glasgow, against Municipal Corporations Scotland Bill.

Before public business commenced, the House was counted out.

HOUSE OF LORDS,

Tuesday, June 20, 1837.

DEMISE OF HIS MAJESTY KING WILLIAM THE FOURTH.] Their Lordships met this morning at a quarter past ten o'clock, in consequence of the DEATH of his MAJESTY, King William IV, which took place at Windsor, at twelve minutes past two o'clock, on this day, their Lordships were immediately summoned in pursuance of the 7th and 8th, William III, c. 15. The Lord Chancellor, the Earl of Shaftesbury, the Marquess of Lansdowne, the Bishop of Salisbury, the Earl of Chichester, Viscount Strangford, and Lord Kenyon were present, and after prayers had been read by the Bishop of Salisbury, all took the oath of allegiance to her Majesty as Queen Victoria.

Their Lordships adjourned till three o'clock, and at that period a great number of Peers took the oath of allegiance.

HOUSE OF COMMONS,

Tuesday, June 20, 1837.

PROCEEDINGS ON THE KING'S DEATH.] The Speaker proceeded to the Council at eleven o'clock, and at a quarter to one entered the House. Standing before the chair, the right hon. Gentleman took the oaths of allegiance and supremacy to her Majesty Queen Victoria.

The names of the Representatives of the City of London were then called, when they advanced to the table, and took the oaths as did a great number of other Members.

The House was occupied in administering the oaths of allegiance until four o'clock, when it adjourned.

HOUSE OF LORDS,

Wednesday, June 21, 1837.

Their Lordships only met to administer the oaths to such of the Peers as had not taken them the preceding day.

Viscount Melbourne announced that in all probability he should be charged with a message from the Crown to their Lordships on the following day.

HOUSE OF COMMONS,

Wednesday, June 21, 1837.

No other business was transacted but administering the oaths of allegiance.

Lord John Russell gave notice that probably he should on the next day be charged to communicate a message from the Crown.

HOUSE OF LORDS,

Thursday, June 22, 1837.

MINUTES.] Petition presented. By the Archbishop of CANTERBURY, praying for some measure that would insure the more strict Observance of the Sabbath.

MESSAGE FROM HER MAJESTY.] Viscount Melbourne entered the House with a Message from the Queen.

The Lord Chancellor read the Message as follows:—

"VICTORIA REGINA,

"The Queen entertains the fullest confidence that the House of Lords will participate in the deep affliction which her Majesty feels in the death of the late King, whose constant desire to promote the interests, to maintain the liberties, and to improve the laws and institutions of the country must insure for his name and memory the dutiful and affectionate respect of all her Majesty's subjects.

"The present state of public business, and the period of the Session, when considered in connexion with the law that imposes upon her Majesty the duty of summoning a new Parliament, within a limited time, renders it inexpedient, in the judgment of her Majesty, that any new measure should be recommended for your adoption, with the exception of such as may be requisite for carrying on the public service from the close of the present Session to the meeting of the new Parliament."

Viscount *Melbourne* proceeded to say: I have, my Lords, no doubt that you will agree with me, that an immediate answer ought to be sent by your Lordships to the gracious message which you have just heard. Although, my Lords, I am of opinion, that there can be no doubt entertained of the prudence, the wisdom, and the propriety, under present circumstances, of following the course pointed out to your Lordships, yet, as it is possible that a difference of opinion may arise upon that subject, and as it is my most anxious wish, upon an occasion like the present, to avoid anything which may interfere with that unanimity that I desire to see prevailing, to avoid every difference of opinion; it is my intention to postpone to a future day that part of the address upon which all may not agree, and to confine myself to that upon which no difference of opinion can arise. It refers to that loss which this country has sustained—which we, in common with all others, have experienced, and respecting which it is our duty to carry the expressions of our grief and condolence to the foot of the Throne. I feel certain, with respect to the first part of the Address, which I have now to move for your Lordships' adoption, that your Lordships will not only assent to it, but also that you deeply lament with me that the nation has been deprived of the gracious Sovereign who was ever anxious for the welfare of his subjects, while I have to deplore, my Lords, that I and my colleagues have been deprived of a most gracious Master, and that the world has been deprived of a man, I will say it of the best intentions—of a being of the most uncompromising and firmest honour, and of the most strict integrity that ever it pleased Divine Providence to place upon the Throne. It is impossible for me, my Lords, to express the grief experienced in the loss of such a Sovereign. It is unnecessary for me to expatiate at any great length upon his Majesty's character, or to go into the details of his Majesty's life, with which many of you are better, and most of your Lordships as well, acquainted as I can be. His late Majesty, it is well known, was educated in that which is the favourite service of the country; and while he served in the navy he greatly distinguished himself; especially during the American war. I have not, my Lords, sufficient knowledge of the naval service to speak upon this subject; but I have heard from those who have a complete knowledge of it, that his late Majesty was deservedly admired for his intelligence and activity as an officer, and for his zeal and attention in the duties of his profession. When his Majesty returned from the active duties of his profession, when he came back to the civil service of his country, he took an active, a useful, and often no undistinguished nor unimportant share in the debates of your Lordships' House. When his Majesty ascended the Throne, the knowledge which he had acquired from his professional education of the whole of the colonial system of this country, and in his service abroad the knowledge he had of all that could be effectually beneficial to this country, was undoubtedly of very great importance; and I will appeal to any one who ever approached his Majesty upon those subjects, whether his practical acquaintance with the principles and details of public business were not very extensive and very accurate, and whether his Majesty did not employ the greatest zeal, and the most unremitting assiduity, and the most anxious desire to do in everything that was submitted to him the most strict justice. Upon another matter let me say—perhaps, my Lords, I express myself in too humble a manner for the occasion—but I must state (as it was necessary in the situation that I held to be in frequent communication with his Majesty) that I think that so fair a man, or so just a man, I have not ever yet known in the course of my experience—most fair, most candid, most impartial, most willing to hear, to weigh and to consider what was urged even in opposition to his most favourite opinions. Qualities that are great and sterling——truly so in any man, but more particularly great and sterling in a Sovereign. His Majesty's reign has not been a protracted one; it was not to be expected that it could be. Ascending the Throne at an advanced period of life, it was not to be expected that his reign could be a long one; but it has been cut short by a disease beyond the reach of art, and at an earlier period than those who had observed his Majesty's apparent strength and the activity of his habits could have anticipated. But though his Majesty's reign has not been long, its duration has been marked by great and important events. It has, my Lords, been marked with important measures and by important events, upon which, of course, a difference of opinion exists amongst your Lordships, and which difference it is not my intention to revive upon the present occasion; but this much I will say, that through the whole course of these events—through the whole course of everything that has happened—in the whole course of them, I feel certain that his Majesty was only actuated by the desire to promote the good of his people, to secure the tranquillity of the country, and to uphold the real interests of all. I feel, my Lords, that I have very inadequately discharged my duty upon the present occasion; but the hurry of the last few days I have passed through has afforded no time for the construction of carefully turned sentences. Though, my Lords, I have not spoken with eloquence, I have spoken with truth. I have spoken no more than I think, and no more than I feel—no more than what I know to be true with respect to his late most gracious Majesty. In descanting upon the virtues of a deceased sovereign I cannot be suspected of adulation or of flattery. It is usual upon occasions like this to advert to the character of the reigning Sovereign. Her Majesty's declaration is before the public—she has declared that she relies upon the affections of her people, and upon the loyalty and attachment of Parliament; her Majesty's declaration I have no doubt will be cordially responded to. Can anything be added with respect to her Majesty herself than what she has already declared? I appeal to your Lordships whether you could have a fairer promise of all that is dignified, becoming, ay, and firm too, than that which has already been given by her Majesty. The noble Viscount concluded by proposing an address of condolence to her Majesty upon the death of the late King, and of congratulation upon her accession to the Throne.

The Duke of *Wellington:* I concur, my Lords, entirely in every expression of the noble Viscount's speech upon this occasion, and also in the address. I have served his late Majesty in the highest situation; I have been in his Council as well as the noble Viscount. I indeed, did not serve him so long as the noble Viscount, or even in any such prosperous circumstances as the noble Viscount, but I have had opportunities of witnessing in all these circumstances the personal advantages of character so ably described by the noble Viscount. It has fallen to my lot to serve his Majesty at different periods, and in different situations and while I had the happiness of doing so, upon all those occasions I have witnessed not only all the virtues ascribed to him by the noble Viscount, but likewise a firmness, a discretion, a candour, a justice, a spirit of conciliation towards others, and a respect for all. Probably there never was a sovereign who in such circumstances, and encompassed by so many difficulties, more successfully met them than he did upon every occasion that he had to engage them. I was induced to serve his Majesty not only from my sense of duty, not alone from the feeling that the Sovereign of this country has the right to command my services in any situation in which I consider I could be of use, but from a feeling of gratitude to his Majesty for favours conferred on me, for personal distinctions conferred on me, notwithstanding that I had been unfortunately in the situation of being under the necessity of opposing myself to his Majesty's views and intentions when he was employed in a high situation under Government, and in consequence of which he had to resign a great office, which he must beyond all others have been most anxious to retain. Notwithstanding that, my Lords, His Majesty employed me in his service, and he as a Sovereign manifested towards me a kindness, condescension, and favour which, long as I live, I never can forget. I considered myself then not only bound by duty, and the sense I feel of gratitude to all the Sovereigns of this country, but more especially towards his late Majesty, to have relieved him from every difficulty I could under any circumstances. I second the Motion for the Address.

Earl *Grey* could not reconcile it to his feelings—he could not think that he had properly discharged the duty which he owed to the memory of his late Majesty, or the duty which he owed to himself, if he passed over in silence the motion which had been made by his noble Friend. The manner in which the Address was proposed to their Lordships was characterised by the utmost propriety, and in every word of that address he entirely concurred. He rejoiced that his noble Friend had abstained from connecting the vote which they would have to give this evening with any topic that could possibly disturb that unanimity which, valuable at all times, must be particularly valuable on an occasion like the present — that unanimity, which would manifest the feelings which he was convinced existed in the hearts of all. He, like the two preceding Speakers, had also had the honour of serving his late Majesty, and he could bear honest and fervent testimony to his possession of all those excellent qualities which had been so ably described by his noble Friend, and to which the noble Duke had also most feelingly referred. Of his late Majesty he would say, that a man more sincerely devoted to the interests of his country—that a man who had a better understanding of what was necessary to the furtherance of those interests—that a man who was more patient in considering all the circumstances connected with those interests—that a man who was more attentive to his duty on every occasion, never did exist. If ever a sovereign deserved the character, it might truly be affirmed of William 4th, that he was "A Patriot King!" In addition to the qualities of diligence, assiduity, and attention, by which he was so eminently distinguished, his patience in investigating every subject, the knowledge he had acquired of the principles of the constitution and of the interests of the country—these qualities were aided by the kind condescension with which, as his noble Friend stated, he listened to objections to the opinions which he himself had previously conceived, and his anxious desire to decide what was best for the country over which he ruled. The noble Duke had justly alluded to the absence of all personal resentment by which the conduct of his late Majesty had been uniformly characterised, and, in confirmation of that statement, he could himself state, that he had observed, upon all occasions, the deep anxiety which had been described by the noble Duke to avoid anything like a difference between the Sovereign and those who surrounded him. He had been to-day called upon, in the discharge of his duty to the memory of his Sovereign, who had ever been to him a gracious master, to say thus much; and he had the satisfaction of stating, whatever might have been the imperfections which had attended his endeavours to serve his late Majesty, that, immediately before the commencement of his Majesty's fatal illness, he had received from his Majesty the most unequivocal testimony of his confidence and good opinion. Having already stated that he could not deny to his own feelings their expression upon the present occasion, he would conclude by declaring his concurrence in the other portion of the Address, which related to the congratulation of her present Majesty; and although, being called to the Throne at so early a period, the difficulties which beset her were necessarily great, yet he concurred in the hope that, under the blessing of Providence, they would be diminished by the development of that character which had been so auspiciously exhibited in those acts of government with which she had commenced her reign.

Lord *Brougham* said, that the situation which he had had the honour of holding in the councils of his late Majesty, during a considerable part of his reign, forbade him to be silent on the present occasion. In all that had been said by his noble Friend the noble Viscount, and by the noble Duke, as to the personal qualities of the late Sovereign, he entirely agreed, more especially in what had been said of his Majesty's amiable disposition, his inflexible love of justice, and the rare candour by which his character was distinguished. On these points it was natural that the noble Viscount and the noble Duke, standing in the official relation to his Majesty which they had done, should dwell; but it was still more natural, because it was more useful, and more honourable to the memory of the late Sovereign, and in no wise less appropriate to the present occasion, to reflect not only on the virtues of the man, but also on the glorious, the beneficent, and the auspicious attributes of his reign—glorious because it was distinguished by the maintenance of peace abroad, and tranquillity at home—beneficent, because it was signalised by bestowing the most important boon which a sovereign could give to or withhold from his people—a wise amelioration of the laws, and a well-considered improvement in the institutions of the country—and auspicious, in the earnest it gave of still further improvements; greater they could not be, but they might be increased so as to diffuse more widely the blessings of those laws and institutions amongst the people. These were pledges which had descended with the crown to her Majesty the Queen Victoria, and he sincerely joined with their Lordships in hoping that her Majesty's reign might be long and prosperous, and that in it, by the blessing of God and the wisdom of Parliament, those pledges might be redeemed.

The Address was unanimously agreed to, and ordered to be presented by the Lords with white staves (members of her Majesty's household.)

Address of Condolence to the Queen Dowager.] Viscount *Melbourne* said, that acting on the precedents established on similar melancholy occasions, he had now to propose that an Address of condolence be sent to her Majesty the Queen Dowager, on the melancholy occasion of the loss which her Majesty had sustained, and to assure her Majesty of the deep sympathy which the House entertained for the loss to her Majesty and the country. In submitting this motion he would not dwell on the esteem which her Majesty had won from all classes of the country, by her amiable conduct and the exemplary manner in which she discharged the duties of her high station. These were well known to their Lordships and the country; but let him add, that her Majesty's conduct was still—if it could be—more distinguished by the manner in which she discharged her duties to his Majesty in his illness, and the exemplary assiduity and patience with which she bore the fatigues which her unremitting attention to his Majesty had imposed on her.

The motion was agreed to, and unanimously ordered to be presented to her Majesty by the Lord President, the Lord Privy Seal, the Duke of Wellington, Earl Grey, and the Duke of Richmond.

HOUSE OF COMMONS,

Thursday, June 22, 1837.

Minutes.] Petitions presented. By Mr. Greene, from Lancaster, against the Boundaries of Boroughs Bill.—By Sir John Tyrrell, from Essex, for a tranfer of the Poor-rates, from the occupiers to the owners of small Tenements.—By Mr. Shaw, and Mr. Goulburn, from various places, against the Irish Tithe Bill; and any further grant to Maynooth College.—By Lord Ebrington, from Devonshire, for the Ministerial plan for the abolition of Church-rates; and for the transfer of the Poor-rates from the tenants to the owners of small Tenements.—By Mr. Sergeant Jackson, from the governors of the Foundling Hospital, of the city of Cork, praying that that Hospital might be exempted from the Irish Poor-law Bill; and also from the north of Ireland, praying for reforms in the Church, and particularly for the restoration of the ten Bishoprics which had been lately abolished; and from Bandon, in favour of the Agricultural and Commercial Bank of Ireland.

Message from the Queen.] Lord *John Russell* appeared at the bar, and said that he was charged with a Message from her Majesty; which he immediately brought up.

The Speaker read as follows:—

"Victoria Regina,

"The Queen entertains the fullest confidence that the House of Commons participates in the deep affliction her Majesty feels at the death of the late King, whose constant desire to promote the interests, maintain the liberties, and improve the laws and institutions of the country, will insure for his name and memory the dutiful and affectionate respect of all her Majesty's subjects. The present state of the public business, and the period of the Session, when considered in connexion with the law which imposes on her Majesty the duty of summoning a new Parliament within a limited time, renders it inexpedient in the judgment of her Majesty that any new measure should be recommended for your adoption, with the exception of such as may be necessary for carrying on the public service from the close of the present till the meeting of the new Parliament."

Lord *John Russell* then said, it is my duty on the present occasion to move an Address of this House to the Queen, in answer to her Majesty's most gracious

Message. In proposing an answer to that Message it is my intention to follow the precedents of former occasions—precedents suggested by the obvious dictates of good sense as well as by reasons of policy and considerations of respect. In conformity with those precedents, I propose to separate those expressions of sentiment regarding the loss which her Majesty and the nation have sustained, as well as those which the occasion of her accession inspires, from all that relates to the public business of the country. With respect to that part of the proposed Address which will contain expressions of condolence, I have no doubt I shall meet with perfect sympathy from all parts of the House. I feel it quite unnecessary for me to use any arguments for the purpose of inducing this House to express its sincere regret for the loss of a Monarch who was sincerely attached to the constitution of England, and who made the general good and welfare of his subjects the rule of his conduct through life. His reign, though a short one, has been remarkable for this —that during its whole course we have not been disturbed by foreign warfare, while, at the same time, it has been equally distinguished by another characteristic—namely, that during its continuance great and important changes have been made in our domestic policy. The late King was called to the Throne of these realms at a time when the demands for those changes were exceedingly prevalent. William 4th had the good fortune to be not only exercised in the ordinary occurrences and business of life, but acquainted with political affairs. In his early years he was removed to a considerable distance from any chance of succeeding to the Crown, he therefore was proportionably removed from the baleful influence of that flattery, that subserviency, those seductions, which attend persons more immediately in expectation of succeeding to Royal power. Circumstances protected him from the corrupting intercourse of those who in all courts are but too anxious to pamper the will of any who enjoy the near prospect of exercising power. He was bred to a service which constituted the glory and the support of England—he was bred to the popular and patriotic service of the Royal Navy. Subsequently he took part in the councils of this great nation as a Member of the House of Peers, and he had during a long portion of his life an opportunity of beholding political occurrences, and watching the course of public events, during the reigns of his father and his elder brother, who for so many years held the sceptre of these realms. Having enjoyed the opportunities incident to his station of making himself acquainted with the principles and details of public affairs, he came to the Throne possessing these advantages; he was, therefore, more ready and better qualified than a Prince under ordinary circumstances to cope with the difficulties which attended the period of his accession. It is not my intention, I should not be doing justice to the various parties in this House, if I were to attempt to dwell upon the political bias, or conduct in which the personal character of the late Sovereign was involved, but I am sure all who hear me will agree that, from first to last, he manifested the strongest disposition to improve the institutions of the country, and that at all times, and under all circumstances, he showed a strong disposition to comply with the wishes of his people, and this disposition he manifested, setting aside for the time the feelings which might be supposed to belong to his dignity as a Sovereign, or his own individual interests as a man. During the first Session of Parliament after the accession of the late King to the throne, there was a memorable period when it depended upon the will of the Sovereign whether or not the House of Commons should be dissolved, and whether the great question brought forward and recommended by the Government of that day should be adopted or rejected. With respect to a question now so completely settled as the Reform Act, I might perhaps be permitted to say that it is one which has proved beneficial to the country; but I do not think the present an occasion when references of that nature should be made, I therefore abstain from any remark one way or the other; but this much I trust I may be permitted to say, that his Majesty, in acting on the advice which his Ministers thought it their duty to give on that memorable occasion, demonstrated in the clearest manner his wish that the people themselves should decide whether the House of Commons, as then constituted, deserved their confidence, or whether they would sanction the charge which by the Reform Act it was proposed to accomplish. In the subsequent periods of his late Majesty's reign, whatever differences of opinion might exist amongst the several parties with respect to the policy of certain measures, I think it will be cheerfully admitted and allowed by all, that the King was throughout influenced by a sincere regard to the prosperity and happiness of his people, — which happiness he thought would be best promoted by correcting all that amounted to abuse, and preserving all that was valuable in the institutions of the country. In the course of policy pursued during the late reign the King held various political opinions, accustomed as he was to consider the political affairs of this country and the conduct of the various parties who took a share in our public concerns: but this I am bound in justice to say, having held a confidential situation in the councils of the King during the period in question that the course which his late Majesty took on occasions of such differences was the course most conformable to the constitution of this country and most befitting a Sovereign in his intercourse with his confidential and responsible advisers. Whatever his private opinions might be, his conduct at all times was marked by the greatest personal kindness: he was in the habit of stating his opinions frankly, fairly, and fully never seeking any indirect means of accomplishing any object, but in a straight forward and manly way confined himself to an open, simple, and plain attempt to impress the minds of others with the opinion which he himself might at the moment entertain; and when upon any occasion the expression of his opinions did not lead to any change in the sentiments of his confidential servants, it was then that he, conceiving the pursuance of such a course to be his duty, either renounced and parted with the services of his advisers, or, permitting them to continue his servants, left them wholly responsible for carrying into effect the course of policy which they recommended. It must be evident that that manly and noble conduct could not fail to have the effect of attaching to him every man who had the honour during his reign of being engaged in the service of the Crown, whatever political opinions he might have held. Amongst the various merits and good qualities for which the late King was remarkable, I should be guilty of injustice if I did not state that the acquaintance he showed with the various classes of his subjects, with the state of the country, and with the laws and constitution of this realm, was most remarkable and perfect. I will instance the Poor-laws, since it never was a party question, and I may add, that his fitness to judge of the merits of that question related as well to Ireland as to England. In that question, whether it regarded England or Ireland, he took a deep interest, and his observations on it, whether they related to the one portion of the United Kingdom or the other, did show an intimate acquaintance with the various classes of his subjects, and above all, the deep desire and the deep interest he took, and the strong desire he felt, to promote their welfare and happiness. Be it observed, that I say this without stating what was the nature of his Majesty's observations, or to what they tended. Whatever might have been their tendency, the sincere and earnest object of his solicitude was to promote the happiness of all classes of his subjects, and more especially of those whose poverty made them less an object of regard to persons actuated by motives less high and less pure. As to his late Majesty's conduct in other respects, as sovereign, I am sure I need not in this House dwell much in detail upon a matter so well known to all who hear me. His hospitality as a sovereign, his perfect readiness to give access to his presence, his anxiety at all times to increase the happiness of those around him, are known to all who knew anything of William 4th. No quality more distinguished the character of the late King than his affectionate conduct to all who might stand in need of his assistance. Setting aside in some respects the dignity and pomp which belong to his station, he was ever ready to relieve the distress of all who could properly come within the scope of Royal beneficence. After a reign of nearly seven years his Majesty became afflicted with a disease which I believe the physicians in attendance thought from the very first to be attended with danger. It was my duty to state to his Majesty that his servants were quite of opinion there could not be a shadow of doubt on the question, that the general wish of his subjects was, that his Majesty should not neglect any precaution calculated to preserve his health. His Majesty, with acknowledgments which I need not repeat, stated it was a great comfort to him that the public business was not interrupted by his illness. I believe, that in the unfortunate state of his Majesty's constitution, it would have been impossible to have preserved his life by any precautions. But his devotion during his last illness, as well as through his whole reign, to the public service ought now to endear his name and memory to all classes of his subjects. It was my wish, certainly, while this illness lasted, accompanied as it was with considerable suffering, not to press on his Majesty with any business which did not require immediate attention, but I am bound to say that all that which did, received immediate notice, and as an instance I may state, that on the last day of his life he signed one of those papers in which he exercised the royal prerogative of mercy. Five or six days before his death there happened to be one of those offices vacant—the Military Knights of Windsor—and his Majesty mentioned that a person had some time before applied. I was not aware of who it was, but when I looked at the papers I found he was an officer who had been a considerable time in the army, and the occasion on which he was disabled was afterwards, when in the Yeomanry. His Majesty's health had been drunk, and in firing off a gun, as was customary, the gun burst, by which accident he had both his arms shattered. His Majesty had remembered the circumstance, and, recollecting it even on a bed of sickness and severe suffering, the last appointment his Majesty made was a provision for that gentleman. I mention that as one instance out of many—if I were to mention all the instances of his Majesty's kindness which were shown in the last days of his life, they are numerous, and would take up much of the time of the House. I think it was the proper reward of such a reign—a reign spent in a desire at all times to promote the benefit of his people, and that with an entire absence of selfishness, with a great manifestation of generosity, and an extreme wish always to promote the interests of morality and religion—it was, Sir, the appropriate reward of such a reign that, during that last and most painful illness, which his Majesty knew to be an illness of an alarming nature, he enjoyed the greatest calm and quiet during the whole of it. It was likewise the natural reward of such a reign that he should have enjoyed throughout the whole of his last illness an unusual degree of fortitude. I have heard from those about him, that he was at all times in a most even temper, and most ready to make allowance for any pain to which he might necessarily be put. It was also part of the reward of a reign so spent that he should have enjoyed the full use of his faculties to the last, and that when visited by a most rev. prelate he was able to attend to the offices of religion with perfect composure. His Majesty having thus died lamented, the people he has reigned over having been thus deprived of him, I have only to ask the House to vote an address of condolence to her present Majesty upon the loss which she and the nation have sustained. At first view it may appear as if such an address but ill assorted with those congratulations which it is very fitting we should offer to the young Queen on her accession to the throne. If her Majesty had enjoyed an opportunity during many years of attending to the affairs of this country, and of learning how it was governed, her accession might well be matter of congratulation, but with no interval between the finishing of her education and the time at which Parliament had declared her majority to commence, there is something most serious and awful in the thought that she has had cast on her the government of a great country. When I propose, therefore, that we should vote an address of congratulation, I cannot help referring to those topics to which she has herself adverted in her address to the Privy Council. In that address her Majesty has stated that she trusted Divine Providence would give her strength to perform those duties with a wisdom that belonged to greater experience and more mature age. Her Majesty stated that she placed her next reliance upon the wisdom of Parliament and the loyalty of her people. She stated that she had been born and educated in this country under the guidance of a careful and affectionate mother. Those, Sir, are the topics of congratulation. Those, Sir, are the topics that make one believe, which make one willing to believe, that the present Queen will not belie the expectations—the general, the universal expectations, which are entertained with respect to her future reign. She has had an excellent education under a careful and affectionate mother, who, knowing the high station she was destined to fill, has been anxiously solicitous to qualify her for the task; but allowing education to have done all that education can effect, we must be aware that much must depend upon the high courage which inspires high thoughts, and upon the will and the wish to devote herself to the interests of the country. That such will be her resolution I entertain the fullest confidence. I feel assured that her royal mind will be devoted to the improvement of those institutions which we have been fortunate enough to inherit, and that, raised as she has been, and will be, in the affectionate welcome of a great and powerful people, she will be enabled, under Divine Providence, to accomplish that good of which this kingdom stands so much in need at the beginning of a reign that, I trust, will be prosperous and happy. Of this I am sure, that the Members of this House of Commons and the wishes of those who elected it, will convey to her Majesty that advice which they think will tend most to her Majesty's honour, to the welfare of these kingdoms, to the preservation and strengthening of those rights and liberties which have immemorially belonged, and which I trust perpetually may belong, to the people of these United Kingdoms.

Sir *R. Peel* said, although my attendance here to-day is not unaccompanied by pain, yet the pain I should feel would be far more acute and more lasting if I were unable to join in the mournful ceremony which we are this evening called upon to go through. Only seven short years have elapsed since I, standing then in the situation which the noble Lord who has just sat down at present fills, had to perform the duty of proposing to the House of Commons that it should offer to his late Majesty an assurance of our condolence on the death of his lamented predecessor, and at the same time to express their anxious hope that the reign upon which he was then about to enter might be long and prosperous. If that prosperity could have been insured alone by the devotion of a Monarch to the best interests of the country, the latter wish would have been completely accomplished, for never did any sovereign obtain more entirely than did William 4th the gratitude and affection of his people. I need hardly remind the House that one of those wishes was disappointed. The hope which we expressed of a long reign has unfortunately not been fulfilled; but when we expressed another hope—namely, that his Majesty might enjoy the respect and affections of his people—the House of Commons conveyed a wish which has been more than realised. To me it is now a melancholy consolation to be permitted to second this motion, and to unite with the noble Lord opposite in proposing to this House that we should offer to the memory of the late King a sincere tribute of national respect. The becoming reserve which secludes a sovereign from the ordinary intercourse of society had not the effect of concealing the real nature and disposition of the King, and I do believe that there never existed a more universal feeling than that now prevailing in this country, that the reigns of Government never were intrusted to one who bore himself more fairly in every relation—who bore the honours of his rank more meekly or with more true dignity—who evinced more compassion towards all who suffered, or who manifested on every occasion a nature more entirely free from selfishness. There was no rank, however exalted, no station, however humble, in which persons were not to be found who had opportunities of seeing how anxiously the late King did all in his power to promote individual and general happiness. It must, I am sure, be amongst the greatest consolations of his illustrious and now widowed Queen that the House of Commons—the heart of this great nation should entertain such sentiments as I am satisfied they do feel towards her lamented husband, and that we are at the same time profoundly sensible that she has, during the whole course of his reign, shed a lustre on it by the discharge of every domestic virtue, and the performance of all the duties of domestic life. In the last and closing scene of mortal agony it is well known that she made unexampled efforts to mitigate the sufferings of him whose life was of so much value to her and to that people who were proud to acknowledge her as their Queen. I have had the good fortune to occupy the situation under the late King which the noble Lord opposite now fills, and I am enabled with the most perfect sincerity to confirm all that he has stated with respect to his late Majesty's devoted attention to business, to the feelings and convenience of those with whom that business was to be transacted; and I may add, that that application to business was carried the length of an utter forgetfulness of all amusement, and even of all private considerations, that could for a moment interfere with the most efficient discharge of his public duties. Never had public servants a more kind and indulgent master; never did a man act with more perfect fidelity. Never was there a man who, whatever might be his own political opinions, or with whatever frankness they might be stated, who acted with more entire good faith than his Majesty did towards those who were responsible for the advice they tendered.

There was not only an absence of all indirect means by which their free action could be impeded, there was not only a total absence of intrigue, but there was that sincere confidence and support, which was perfectly compatible with the maintenance of even opposite opinions. In those cases in which it did happen to that much lamented Sovereign to entertain sentiments different from his responsible advisers, they were, I can undertake to say, never pressed beyond the proper limits. It is, Sir, with heartfelt sincerity that I join in the cordial good wishes expressed in the Address moved by the noble Lord, that health, happiness, and a long reign of prosperity and glory may be enjoyed by the infant—the young Queen; and I can only wish that that success may respond to her own natural inclinations, and to her own natural powers—that it may respond to the affectionate care and unremitting attention which have been devoted by an illustrious princess and an affectionate mother to her education. If that success correspond to those natural expectations and to that unremitting zeal, it will be as complete as human success can be. It is difficult, however unphilosophical it may be, to avoid forming a judgment from slight indications; but I will venture to say that there is no man who was present when her Majesty, at the age of eighteen years, first stepped from the privacy of domestic life to the discharge of the high functions which on Tuesday last she was first called on to perform, without entertaining a confident expectation that she who could so demean herself was destined to a reign of happiness for her people and glory for herself. There is something which art cannot imitate and lessons cannot teach—and there was something in that demeanour which could only have been suggested by a high and generous nature. There was an expression of deep regret at the domestic calamity with which she had been visited, and of a deep and awful sense of the duties she was called upon to fulfil—there was a becoming and dignified modesty in all her actions, which could, as I have already observed, only have been dictated by a high and generous nature, brought up no doubt under the guidance of one to whose affection, care, and solicitude, she is, and ought to be deeply grateful. I shall not weaken the effect of the noble Lord's speech by entering into further details; they are totally unnecessary. I trust I have said enough to convince the House that all persons, without reference to party distinctions, and in the oblivion on this day of all party differences join in the expression of cordial condolence with her Majesty on the loss which she and the country have sustained, and in the most heartfelt wish that we are now at the commencement of a long, a prosperous, and a happy reign.

The Address was unanimously agreed to and ordered to be presented by such Members of that House as were Members of her Majesty's most hon. Privy Council.

CONDOLENCE TO THE QUEEN DOWAGER.] Lord *John Russell* said, that he considered it to be his duty to move, in accordance with what had been done by that House on other occasions, that an address of condolence be presented to Her Majesty the Queen Dowager on the melancholy occasion of his late Majesty's decease. Her Majesty the Queen Dowager had had the melancholy satisfaction of doing everything that it was possible even for a person in humble life to do, to assuage the pain under which his late Majesty suffered during the last days of his existence. He believed, that there was no one who was not aware that her Majesty the Queen Dowager had actually, and to a very great extent, risked her own health by her constant, unremitting and sleepless attendance upon his late Majesty. He felt it right also to observe, that her conduct on that trying occasion had been only such as his Majesty and the country might have expected from the constant care and faithful affection with which she had ever attended to the wishes and desires of her royal husband. He thought he need say no more to induce the House to join in a message to her Majesty the Queen Dowager, assuring her of the deep and unabated respect with which they regarded her.

Agreed to unanimously.

To be presented by Lords Morpeth, Ashley, Seymour, and Alford and by Mr. Labouchere, and Mr. Estcourt.

HOUSE OF LORDS,

Friday, June 23, 1837.

MINUTES.] Bills. Read a first time:—Mistaken References.—Read a second time:—Bridlington Harbour.

PUBLIC BUSINESS—ADDRESS TO THE QUEEN.] On the motion of Viscount Melbourne, the clerk at the table read the following paragraph from the Message which was delivered yesterday from her Majesty :—

"The present state of the public business and the period of the session, when considered in connection with the law which imposes on her Majesty the duty of summoning a new Parliament within a limited time, renders it inexpedient, in the judgement of her Majesty, that any new measures should be recommended for your adoption, with the exception of such as may be requisite for carrying on the public service from the close of the present Session to the meeting of the new Parliament."

Viscount *Melbourne* then said: My Lords, it is now my duty to call your Lordships' attention to the latter paragraph of her Majesty's most gracious message which I had the honour of bringing down, but which was postponed in order that no comment, observation, or proceeding whatsoever might mar the general feeling of condolence for the loss of his late Majesty. It is now my intention to move that your lordships do adopt an address in answer to that part of her Majesty's most gracious Message; and, if your lordships approve of it, to express our intention to pursue the course recommended by her Majesty. It is unnecessary for me to state to your lordships the actual state of the statute law on this subject, and the condition in which that law is. Your lordships are well aware that in former times—times anterior to the revolution — all authority being supposed to emanate from the Crown, emanating under the Sovereign's writ, was supposed to fall and become extinct by the demise of the Sovereign. All commissions, all authorities, all delegations, every thing ceased at once, and at once in that event Parliament was dissolved, and it was necessary to issue writs for the meeting of a new Parliament. This was a provision of the common law of the country, and this provision, which arose from the general nature and principles of that law, was found so generally inconvenient to the service of the country, and was found so peculiarly inconvenient in the time which succeeded the Revolution, when the succession was by no means so generally or decidedly established, or so generally recognised as it fortunately is at present—I say, my lords, that this provision was found so generally and peculiarly inconvenient, and so prejudicial to the public service, that in the reigns of King William the Third and Queen Anne acts were passed for continuing the puration of Parliament for six months after the demise of the Sovereign. In the case of the succession which immediately followed these acts of Parliament the period of six months, so allowed by law, was taken advantage of, and of those measures which were before the Parliament at that time sitting they dispatched those more urgent and immediate measures which were necessary to be passed, such as the settlement of the civil list, which was generally passed before the Parliament was dissolved. But on the occasions of the accession of George 4th., and his late Majesty the servants of the Crown at the time, pressed by strong reasons in favour of that course, in both cases recommended to the Parliaments of those times to depart from the course which had been formerly recommended, and to proceed only with that business which was necessary, absolutely necessary, for the public service of the country, and to leave all other measures, and amongst the rest the settlement of the civil list, till the meeting of a new Parliament. Upon these two precedents I call upon your lordships to proceed on the present occasion, and I think it is hardly necessary for me to point out to your lordships the great inconvenience that would necessarily result from following any other course. Your lordships are all aware what difficulties must attend the transaction of public business in a Parliament which must necessarily expire in the period of six months, and which probably would terminate before the termination of that period. With respect to the Parliament itself, your Lordships must be aware of the difficulties that would be found in obtaining the attendance of that Parliament and of obtaining the attention of Members to business in that Parliament, and the prejudice that might arise to the public service from the decision of such a House of Commons, and the want of that impartial and independent manner which ought to belong to all the decisions of the representatives of the people. I think it hardly necessary to expend much argument upon this subject: it is so perfectly self-evident that I feel I am not required to take up your Lordships' time with details of the inconvenience that must arise. I am very well aware that this course of proceeding being adopted, at the same time necessarily leads to the postponement of many measures which every body considers of great importance, and which I have myself acknowledged repeatedly to be of very great importance, and of peculiar urgency. I admit fully the importance of these measures; I admit their urgency, but I think that that importance must yield to greater importance, and that urgency must yield to greater urgency; and, therefore under these circumstances, I am unwilling to carry these measures into completion in the course of the present Session, and I think that her Majesty's Government is justified in recommending to your Lordships to forego the advantages of passing these measures. There have been, undoubtedly, upon former occasions difficulties in the way of this course of proceeding which do not exist on the present occasion. There have been difficulties arising out of the possible inconvenience in the case of the demise of the Crown during the interval between the dissolution of the one Parliament and the meeting of the next, and while the successor to the throne was yet under age. This is a contingency which it is not necessary to provide for on the present occasion. But, my lords, I apprehend there is another contingency which it is necessary to provide for, and which relates to his Royal Highness the Duke of Cumberland, who is the next in succession, and who is now an independent sovereign on the continent; and as the duties of that station, will necessarily call for the residence of his Royal Highness on the continent, it will be necessary to provide for the case that may arise out of the Crown during that absence of his Royal Highness. I apprehend that it will be for the public convenience to introduce and pass a bill for this purpose. My Lords, it will therefore undoubtedly be the course proposed by her Majesty's Government to pass the supplies of the year. If there are any measures which are likely to lead to discussion, which are likely to meet with any considerable resistance, or upon which there is likely to prevail any difference of opinion, of course it will be necessary to abandon them for the present Session, and to postpone them till the meeting of the new Parliament. But with respect to those measures about which there is a general concurrence of opinion, and about which there is a general feeling of the propriety of passing them immediately, of course it is the intention of her Majesty's Government to proceed with them. Upon these grounds, my Lords, I beg leave to move that an humble address be presented to her most gracious Majesty, acknowledging the communication which her Majesty has been graciously pleased to make to this House, and expressing to her Majesty the deep sense which this House entertains of her Majesty's consideration for the public convenience, and her Majesty's unwillingness to recommend to the House to adopt, in the present state of the public business, and at this period of the Session, when considered in connection with the law which imposes on her Majesty the duty of summoning a new Parliament within a limited time, any measures except such as may be requisite to carry on the public service from the close of the present session to the meeting of the new Parliament and only to bring forward such measures as without injury to the public service, will not admit of postponement.

The address having been read by the Lord Chancellor,

Lord *Lyndhurst* entirely concurred in the address proposed by the noble Viscount and he agreed to the terms of that address on the grounds so distinctly and ably stated by the noble Viscount. He thought that in the present state of business in the other House of Parliament, the number of important questions depending there, and considering the period of the year, it might be considered almost impossible for their lordships to proceed wit hthe whole of them, and many of them must of necessity be postponed. But when he considered the circumstance to which the noble Viscount had adverted, namely, the near prospect of a dissolution, which must of necessity remove from the metropolis a large proportion of the other House, who must look to their individual interests; and when he further considered that even of those persons who should remain there, many would have their attention engaged about other matters in which they or their friends were concerned, he could not bring himself to think that these important measures now under the consideration of the other House were likely to be deliberately and calmly discussed if her Majesty's Government should persevere in pressing the consideration and discussion of them during the remainder of the Session. He, therefore, agreed in the view of the subject taken by the noble Viscount. He also agreed in what had been stated by the noble Viscount with respect to the consideration of the question relating to the civil list. It appeared to him, first of all, adverting to the period of the Session, that there could not be without considerable inconvenience sufficient time deliberately to consider that important question, which in more instances than one had occupied several weeks of discussion. But he was not prepared on that ground alone to agree to the suggestion of the noble Viscount. It was because he thought it would not be fair to her Majesty, it would not be fair to the country, to bring forward the consideration of such measures upon the eve of a dissolution of Parliament. It was not necessary distinctly to state the reasons for this opinion: they had been alluded to with sufficient distinctness by the noble Viscount; and he for one would never agree to make a provision for her Majesty, a permanent provision, under these circumstances, and at a period when those persons who would take part in the discussion of these questions might be fettered by the situation in which they would be placed. Those questions were much more likely to be fairly, impartially, and satisfactorily discussed by independent Members at the meeting of a new Parliament. He agreed also in the prudence and propriety of making provision for the state of things respecting the succession to the Throne to which the noble Viscount had referred. It appeared to him, from the practice of former years, that no difficulty would be found in passing a Bill of this description. He was prepared, therefore, to concur with the noble Viscount, and to support his motion with respect to the succession. But he must at the same time be allowed to refer to the situation in which they were placed—he meant the situation in which they were placed with respect to the legislation of the country. They were now at the close of the fifth month of the Session of Parliament, and not a single important Bill had been yet passed into law. They had literally done nothing during the five months they had been assembled. As far as legislation was concerned—and it was one of the most important duties of Government—they had done nothing. Let him for a moment call the attention of their Lordships to the state of business before Parliament at that moment. His late Majesty in his speech from the Throne recommended the consideration of the improvement of the laws and the administration of the justice of the country. In pursuance of that recommendation, in the month of May, nine Bills for the improvement of the criminal laws were introduced into the other House by the Secretary of State for the Home Department. They were read a first time. They were read a second time, a Committee was appointed, the Committee was successively postponed from time to time until the 19th of June, the present month; and then, when these important measures were to come under the consideration of the other House for their final adoption, at a quarter past four o'clock the House was counted out, because there was not a sufficient number of Members present to attend the discussion of these important measures referred to in the Speech from the Throne. Her Majesty's Ministers were, therefore, not inclined, or it was out of their power, to obtain the attendance of a sufficient number of supporters to proceed with the discussion of those eminently important questions. He was incorrect in one particular. There was one, indeed, of these Bills passed—he meant the Bill for the abolition of the punishment of the pillory. But his noble and learned Friend (Lord Brougham) stated, and stated truly, that no practical effect would arise from that Bill. The punishment was in effect already abolished by the judges, who by the former Bill had the power in the cases to which this Bill referred to substitute fine and imprisonment for the pillory, and this was invariably adopted. Literally, therefore, with respect to these nine Bills upon the subject of the criminal laws no progress whatever had been made. Again, a most important measure, the Imprisonment for Debt Bill, had come up to that House during the last Session: it had also come up to their Lordships during the Session preceding the last, but the measure came up at so late a period that their Lordships thought, and justly and properly thought, that it was impossible at so late a period that a question of so much importance could be properly considered. They had then refused—they had wisely refused—to enter into its consideration; but it was with the understanding that in the present Session of Parliament the Bill would be introduced at the earliest possible period. The Bill was introduced on the 6th February by the Attorney-General, within a week after the Parliament had assembled. It was read a first time; it was then read a second time; it was then submitted to the Committee, and it was adjourned from day to day, until at last upon the 18th May, the day upon which the Committee was to have sat, the House was counted out at a quarter past seven o'clock, and from that day to the present they had not heard one word about that Bill. This was the course of legislation pursued by the Government on this great and important question, and to the recommendation of the King in his Speech from the Throne, namely, that they should manifest their zeal in the amendment of all that related to the administration of the law and the justice of the country. Again, he wished to call their Lordships' attention to this. There was a Bill upon a most important subject that had passed their Lordships' House in the last Session of Parliament—it was the Benefices Pluralities Act. That Bill went down to the other House—it was taken up by the Government—it proceeded up to a certain point. Opposition was made to it in certain quarters, and the Bill was instantly abandoned by the Government—abandoned in consequence of some negotiations in private; and in consequence of some secret stipulations it was not proceeded with. This was done, although it had been introduced by a most rev. Prelate, supported by their Lordships, and advocated by the Government in the other House of Parliament. In consequence of what had passed at that period, at an early period in the present Session, upon the 2d of March, the Bill was brought in by the Government to the other House, and read a first time; but from that moment to the present—from the 2d March—not a single step had been taken with respect to that measure? Was this creditable? If they had not the evidence of it in the votes upon their Lordships' table no man could believe it. It was unnecessary to comment upon such a proceeding when they had the fact before them that there was ready to be submitted to their Lordships' consideration a Bill directed to the same object, which had been proposed by his noble and learned Friend, and which had been postponed by him for the purpose of seeing what it was that the Government meant to do with the Bill that had been introduced into the other House of Parliament. There was another measure to which he nad also to call their Lordships' attention, for all were of the same character. Their Lordships knew that two Sessions ago the question relating to the settlement of the Irish tithes was considered to be of such infinite importance, that early in the Session it was the first measure called for, and the first thing done was a resolution being proposed on the subject of "appropriation," as it was called. No time was then to be lost upon the tithe question; it was a question of vital importance to Ireland. It was a question upon which the tranquillity of Ireland depended, and they were told that it was a subject that must be settled without the least possible delay. And yet it was not until the month of April or of May that the Bill respecting such tithes was brought into the House of Commons. All the early period of the Session had been allowed to elapse without the attention of the House of Commons being called to so important a subject. The Bill had been read once; it was read a second time; it was proposed to be committed on the 16th of June; it was postponed from the 16th of June to the present day, and, if they were not misinformed, he believed it was now to be postponed to a future day. So that this important subject—admitted to be of such transcendent importance, not only in that, but in the other House—was, in the first instance, postponed to the period he had stated, and afterwards progressed in the slow and creeping manner he had just adverted to. There was one subject, in his opinion, more important than all the rest—he alluded to the great question respecting the Canadas. Certain resolutions had been proposed which were of the utmost possible importance. They had come up from the other House for the purpose of meeting with their Lordships' approval and support. On the 18th of May, after having been well considered in that House, their Lordships, too, adopted them. If he referred to the debate upon those resolutions—if he looked to the language in the protest of the noble and learned Lord opposite, their Lordships must feel how eminently important were the considerations involved in those resolutions. When resolutions of such a description were past, it appeared to him to be absolutely necessary that they should be followed up by a law giving force to them. How otherwise would they be considered in these colonies but as mere threats, and threats, too, which they had no intention to carry into effect? Nothing could be more impolitic—nothing could be more weak, than such a coure of proceeding. It was, too, still more objectionable, when they remembered that their Lordships had directed a Bill to be brought in to carry these resolutions into effect, and that both Houses had agreed to the propriety of that course. He had given these examples of the course of legislation pursued by the Government of this country. He said nothing of the question of Church-rates—nothing of various others to which he might call their Lordships' attention; but these were striking instances that he had stated of the weakness and the neglect of Government with regard to what was its duty in measures of legislation. He had stated facts in detail. He wished now to be allowed to call their Lordships' attention to another subject. They were then at the end of the fifth month of the Session—in four or five days' time they would have sat five months complete. And what was the complement of Bills disposed of by them since their assembling? During that time sixteen Bills had received the royal assent; but it was not to be imagined that because sixteen public Bills had received the royal assent, they had been busily engaged with all of them. Of these sixteen, there were six that were but trifling amendments on Bills that had already passed. There were eight of the sixteen Bills that were mere Bills of routine, and that passed during every Session—such as the Mutiny Bill, the Marine Mutiny Bill, the Transfer in Aids Bill, the Consolidated Fund Bill, and other Bills of this description. There were but two measures—but two distinct measures in legislation that had passed during the present Session of Parliament. One of these Bills was for regulating the Post-office contract; the object of the Bill, it might be recollected by their Lordships, was to transfer the contracts respecting the packets to the noble Earl opposite (the Earl of Lichfield). The other Bill was for an alteration in the law with respect to the punishment of sedition in Scotland, and which was agreed to without one word having been said upon this subject. These, then, were the only two special and distinct acts of legislation that had passed during the five months they had been sitting there. This was a most extraordinary state of things. There was at that moment seventy-five public Bills depending in the other House. More than thirty of these had been brought in by the Government and the officers of Government; and of these a portion—a very large portion—might have originated in that House, if it had been the object of the Government to have done that which was their duty with respect to legislation, faithfully, actively, and serviceably to the country. He had at that moment lying before him a paper of the business before the other House for that night. He had counted the number of subjects for discussion in the other House for that night. There were fifty-seven public Bills, besides the consideration of the Message of her Most Gracious Majesty, and beside which there was, too, the consideration of estimates in a Committee of Supply. Such was the state in which the business of the country was allowed to be under the administration of the noble Viscount. Was he not justified then in saying, that, as far as related to the most important duty of the Legislature, they were literally without a Government? Never was the state of business in the other House of Parliament in the situation in which it was at present—never did a Government so neglect so important a part of its duty, that which it had to discharge in Parliament, as the Government had done during the last five months. He had taken occasion, during the last Session, of stating to the House that which was his opinion, that the noble Viscount and his colleagues were utterly powerless. They were powerless alike in that and the other House; they were utterly inefficient and incompetent as servants to the Crown; and, he must add also, they were equally powerless, incapable, and inefficient, as regarded the people. This much he had to say as respected their duty in legislation; he could, if he wished it, refer to other topics connected with their domestic policy. He was not, however, on that occasion inclined to do it; and still less was he disposed to allude to the foreign policy pursued by the noble Viscount and his colleagues. He could only say of it, that almost every feasible and reasonable man had but one opinion—but one idea was entertained regarding their conduct. It elicited the pity of their friends, and excited the scorn and derision of the enemies of their country. He gave them a picture of the present—he had also given them a picture of the past. What, then, were their hopes for the future? From the noble Viscount, and his party, literally nothing. Were they to judge from the past? Were they to profit and benefit by experience? If so, they could entertain no hope. But he did not entirely despair. There was one ray of comfort and consolation shining in upon them from another question. From the experience that they had had — from the observations that they made of the conduct of their most gracious Sovereign, in the first act of her administration—from the steadiness of her conduct—from her complete self-possession, and from her dignity—he augured much; and he trusted that at no distant period they should find that no countenance would be given for the alarm and apprehension on account of the danger to which the Church Establishment in this country was exposed, and that perfect security would be afforded to the Protestant faith, to which the people of this country were so strongly attached, and respecting which so much alarm had been excited. He assured their Lordships that it was to that quarter he looked with hope and confidence. He was sure that the hope and confidence would be shared by their Lordships, and participated in by the country, and he was sure that they would not meet with disappointment. With these explanations he assented to the Address moved by the noble Viscount. It was perfectly proper, and ought to be adopted. He could not, however, with satisfaction discharge the duty that he owed to himself and their Lordships, if he had said less than he had done.

Lord *Brougham* said, that in agreeing to the motion proposed by his noble Friend on the present occasion, he did not, he thought, pursue a line of conduct that was inconsistent with that which he had pursued upon a former occasion, when he had some years ago the honour of a seat in the other House of Parliament; and he did not think the present course inconsistent with that which the noble Earl on the cross benches had thought proper to take when the same question was before their Lordships in that House; for the grounds that were then adopted for resisting the proposition in either House were of a twofold character. In the first place, they were at that time unwilling, upon constitutional principles, that the Parliament should be dissolved before the question upon the civil list was brought before them; and, next, that the Parliament should not be dissolved until the more important question of the regency should be settled. To these two grounds there was to be added a third, namely, the state of the public business—that so little had been done, and that so much of an urgent nature remained to be done. Of these three grounds he certainly did not mean to deny that two now existed—the first and the last. The first was the same now as then—namely, the propriety of settling the civil list before the dissolution; and the last argument, that there were measures before Parliament, existing in a greater degree, and requiring a more speedy settlement now, than upon that occasion. As to the second objection that he had stated, that had been more eagerly pushed forward, and more importance was attached to it than to the others by the noble Earl on the cross benches (Earl Grey). It was on this, too, that some of his Majesty's Government chiefly resisted the adoption of such a course. They wished to provide against the demise of the Crown in the absence of the heir presumptive. That was the line which was required to be adopted. That course was at present proposed. He did not think that on the present occasion his noble and learned Friend treated with much courtesey the arguments of his opponents. He certainly had not treated them very gently. In the first ground he entirely concurred; but he admitted that the course pursued in not bringing forward the civil list was one to which be objected. The not allowing Members of Parliament, and particularly Members of the other House, to debate that question before going to their constituents, was that to which he was opposed. He entirely differed from his noble and learned Friend on the other side as to this point. He took it that the constitutional doctrine was not that laid down by his noble Friend. He should like that the debates upon the civil list should take place in the face of a general election, and not at a time when Members often considered themselves as irresponsible, and were about to sit for a period of six years. He adhered to that opinion; but under the present circumstances, and for reasons to which it was not necessary to advert, he was inclined, on the whole, if not to support, at least not to offer any opposition to the motion of his noble Friend. That brought him to consider the state of business in the present Parliament. There could be no doubt that the fact was so as it had been put by his noble and learned Friend—all measures were to be postponed—all, too, very great and important, and some of urgent necessity. It was, no doubt, equally true that few, that hardly any, measures had been adopted in the whole of the five months that this Session of Parliament had lasted. But his noble and learned Friend had omitted from his catalogue one of the measures which did pass the other House of Parliament, which did come into that House, but respecting which he thought his noble and learned Friend might form some conjecture why that measure was not proceeded with. He thought he knew some Members of that House who could tell why that measure was out of the catalogue of great, important, useful, and necessary measures that ought to have passed—a measure towards which the expectation of one country had been directed very much, and which had not yet received the Royal Assent. Perhaps in the other House of Parliament they had heard by what means it was, that measure had been disposed of? What mode of proceeding had been adopted with respect to it their Lordships well knew, and none better than his noble and learned Friend? He was so little disposed to impede the public business in Parliament that he could not deceive the just expectations of the country in producing the delay that had taken place, and prevented the forwarding of that measure—a measure, too, it was to be remembered, which had proceeded to its second reading, and yet means were taken to prevent its becoming law. But he had lately, in moving for a Committee to consider the state of public business, discussed this subject so much at length that he was not inclined to enter upon it at present. He could not, however, but think that a great deal, if not the whole, of the delay in carrying on of the business—the obstacles that that business met with—was to be looked for elsewhere than to her Majesty's Ministers. He might add, he did not say it to their Lordships, he did not say it to a majority of their Lordships, but he was bound then in common candour and in common fairness to the House to admit, that with the exception—with that most important exception—the most important of the whole—but with that exception, of that one measure to which he had already referred, their Lordships were not answerable for the stoppage which had been brought upon the public business this Session. No doubt of it that the manner in which their Lordships had dealt with that one measure might be taken as of very great weight with others, and as affording to them a very distinct indication as to the manner in which other measures would be dealt with and dispatched, and hence in part the present complaint might have arisen. That, however, was no justification for the stoppage of measures in that quarter. What he complained of was the system; it was by that the interruption of public business had been occasioned. His noble Friend said, that at present there was all but a desperate aspect of affairs, but for a light which it seemed had broken in upon him from a high quarter. He, too, joined most respectfully, and reverently joined, in all that had fallen from his noble and learned Friend with respect to that illustrious individual; but, together with that beam of light he had spoken of, there was another, and he did not think a crossing, beam, but he hoped and trusted one that would be found moving in the same direction—he meant by one measure to facilitate that of which they had such auspicious promise at the present moment; that was, by dissolving the present and electing another House of Commons. And he could not help thinking, that if his noble and learned Friend really spoke out, and if he really were disposed to treat her Majesty's Government with that candour with which he treated the adversaries of her Majesty's Government, he would, instead of vituperating them—instead of charging them with incompetency—instead of denouncing them for their vacillations and their unfitness for discharging their duties, and declaring they were in such a position as to be the pity of their friends and the scorn of their political enemies. [Earl *Fitzwilliam*: The scorn of the enemies of their country.] And, as the noble and learned Lord had said, the scorn of the enemies of their country (now, being the scorn of the enemies of one's country is no disgrace to any Government;) but if, instead of levelling against them this vituperation, his noble and learned Friend had turned round to the Commons' House of Parliament, for there it was that he would find the cause of all obstruction, and therein he would find the reasons why it was impossible to carry on the public business; and if, finding that his noble Friend said to them, "House of Commons! you a House of Commons! I tell you you are no House of Commons; the Lords have done with you—the Lords will have other instruments than you to do their work—get you gone, and give place to better men"—if his noble and learned Friend had thus delivered his opinions, and thus directed his observations to that quarter, then he would have stated that which was not so distant from the fact as that which his noble and learned Friend had actually stated. His noble and learned Friend would thus have stated what he felt in his own mind but to be the truth; but which if he did not feel, then he (Lord Brougham,) without meaning to cast any discredit on the House of Commons, and not meaning to use any disrespectful expressions, but qualifying them so far, while he participated in such a feeling, would say, that he declared he looked forward to another House of Commons for supplying the present, and which would give to her Majesty's Government a real and efficient majority; for it had been the want of an efficient majority that was the cause of all the obstruction.

Viscount *Melbourne* replied: The noble

and learned Lord had taken the present opportunity of pouring forth his long-stored-up invectives. There had come from him one of those harangues which he was in the habit of generally delivering at the end of the Session. The noble and learned Lord had said that the course of their domestic policy was entirely condemned, and as to their foreign policy he had marked his opinion of it in a sentence that had been alluded to by his noble and learned Friend. He had no intention at that moment of entering into a discussion which the noble and learned Lord wished to provoke, nor should he give a contradiction to the many invectives that the noble and learned Lord had given utterance to. All he could do was to point out to their Lordships that the most of that which the noble and and learned Lord had delivered was composed of accusation—it was general abuse—an attack unsupported by any argument. He was sure that if the noble and learned Lord had any grounds for his attack it could not be otherwise than unfitted and unbecoming for the present occasion, although the noble Lord had taken care to deal out his invectives in an unsparing manner. With respect to the details into which the noble and learned Lord had entered as to the sitting of the Houses, and the business done by Parliament up to the present period of the Session—as to his stating how many bills had been brought forward and not proceeded with —it was, as far as the censure of the noble and learned Lord extended, one he must acquiesce in, because it equally applied to others, because he and his colleagues were not the only sufferers, and because the censure that was urged against them had been equally applied to the ministry of the noble Duke and the noble Lord. When they proposed the same measure that he had now the honour of proposing, he found in 1830 the noble Duke was reported to have stated: "My Lords, it is not necessary for me to draw your attention in detail to the present state of the business before Parliament; it is sufficient for me to request your consideration of the state of the votes of the House of Commons, and the state of the votes of this House, and your Lordships will see that so much business remains to be done, that were it all to be completed, and were any new business to be brought forward at this period of the Session, it must necessarily postpone the dissolution to a distant day." This was nearly a detail exactly of what might be said at the present day. But he found also that his noble Friend (Earl Grey), who had left his place on the cross benches, also said upon that occasion: "There is a necessity for an immediate dissolution, the noble Duke says. But why is there this necessity? Apparently it arises from the circumstance that during the long and afflicting period of uncertainty as to the issue of his Majesty's illness, when the minds of men have been directed to that event, the Ministers who have had the business of Parliament to forward, of whatever nature it may have been, have shown themselves quite incapable of conducting it." That was the argument urged against the present Government by the noble and learned Lord. The noble Earl continued—"The business of Parliament, at a period of the Session which, in ordinary circumstances, would be drawing to a termination —after five months' consideration, and though recommended from the Throne at the beginning of the Session—the business of Parliament has been in fact neglected." In fact the business of Parliament at the time alluded to by his noble Friend was nearly in the state that it was at present. The business of Parliament had yearly been going on in such a manner that the Houses of Parliament were actually unable to get through it, and to discharge it all in a manner that could be quite satisfactory to Members. It was not his intention to enter into a consideration of the various measures that had been referred to. That part of the subject had been ably handled by his noble and learned Friend. But the fact was, that discussions were conducted in the other House of Parliament—he must say it in defence of the other House of Parliament, that the mode in which its discussions were conducted afforded no proof of indifference to the subjects before it—that there was no want of proof of its diligence. They must believe that it had considered well the business that was before it—they had to look and to be guided by its long sittings. Perhaps it had been counted out upon particular occasions because there was an indisposition to hear a particular motion; or it might have happened in another manner—it might have been the result of fatigue. There were in the present Session no less than seven adjourned debates—some continuing for four nights, others of three, and all, of course, of two nights duration. Every one knew that on former occasions an adjourned debate was a thing of most unusual occurrence. It arose either from the greater importance of the business, or the greater anxiety of Members of Parliament to deliver their sentiments and opinions upon the subjects before them; and if it were an evil, and he did not know that it was—if delay were in fact an evil, then it was to be remembered that it was an evil that arose from the nature of things —it was inherent to the present state of society. It was an evil as matters stood at present, and it was impossible for them to find a remedy. He should not, however, make any statement as to the measures to which the noble Lord had alluded. With respect to one, he hoped the means would be found of preventing the evil that existed, and of carrying the intentions of Parliament into efficient execution. The noble Viscount concluded by saying: The noble and learned Lord has expressed great hope that he derives from circumstances that he particularly described. I do not think, considering the bitterness to be found in the speech of the noble and learned Lord—considering not only the vehemence but the acrimony that marked that speech—I do not think that the topic was very happily or very opportunely introduced; and I beg leave to say, that it was introduced in terms in which he, in his admiration for the present and the future, did in a great degree forget his respect for the past.

The Address was then agreed to.

HOUSE OF COMMONS,

Friday, June 23, 1837.

MINUTES.] Bills. Read a third time:—Foreign Officers. —Read a second time:—Metropolis Police Officers; Rolls Estate.—Read a first time:—Tithe Commutation Act Amendment; Reform Act (Ireland) Amendment; Coroners of Durham; Creditors (Scotland).

BREACH OF PRIVILEGE.] On Lord John Russell moving the Order of the Day for taking into further consideration her Majesty's Message,

Sir *James Graham* begged the attention of the House for a moment. In an evening paper, *The True Sun*, which he held in his hand, there was an account of the Parliamentary proceedings of last evening, and in that paper there was the following passage relating to himself:—"At five o'clock, Lord John Russell presented himself at the bar, with a message from her Majesty the Queen, when instantly every hat was taken from the head of the wearer, except Sir James Graham, who manifested considerable reluctance, and who eventually complied with this decent testimony of respect, after the Speaker had more than once emphatically repeated 'Members must be uncovered.'" Now, the House would remember, that the noble Lord (John Russell) merely announced a message which he was ordered to bring up. There was some confusion before the Speaker began to read the Message, and several Members on the opposite side of the House had already taken off their hats. He, however, appealed to the Speaker, whether it was not according to the rules and old usages of the House, that all should remain covered until they heard the word Rex or Regina read from the chair. It had a better effect, and it was for that he had waited. The insinuation that had been thrown out against him was most unfair, and he could not, without compromising himself, avoid noticing it. It was not his intention or wish to proceed further with the complaint; and he would only add, that he was not in the habit of making empty professions of loyalty, and he hoped when the occasion came, he would not be found wanting in deference and loyalty to the Crown.

The *Speaker* said, the right hon. Baronet had stated the practice of the House most correctly. The House would remember, that on the bringing up the Message there had arisen a considerable cry of "Off hats;" and he had taken the course he did in order to save the time of the House. With respect to the insinuation made against the right hon. Baronet, he must say, that no such conduct had come under his notice.

PUBLIC BUSINESS—ADDRESS.] Lord *John Russell:* On entering on the question for the consideration of the House this evening, I will merely say, I am quite sure no Member of the House, and especially the right hon. Baronet opposite, meant any want of respect for the Crown, or showed any indisposition to comply with the usages observed on such an occasion as that of last evening. I must also say, that the whole proceedings of yesterday exhibited but one unanimous feeling of loyalty to the Crown, and a resolute determination not to allow any political duty to interfere with the Address of condolence, or the general wish to show proper marks of respect to the Queen. I now proceed to what is more matter of political concern, and one which entirely regards the advice which has been given by those Ministers in whom her Majesty has been pleased to repose her confidence with respect to the business which has to be done during the remainder of the Session. Any comments, therefore, which may be made on the proceedings which we have advised, will be comments fairly made, not against the Crown, but directed against its advisers. Her Majesty's Message states that "The present state of the public business and the period of the Session, when considered in connexion with the law which imposes on her Majesty the duty of summoning a new Parliament within a limited time, renders it inexpedient, in the judgment of her Majesty, that any new measure should be recommended for your adoption, with the exception of such as may be requisite to carry on the public service from the close of the present Session to the meeting of the new Parliament." Sir, when his Majesty's Ministers took into consideration the public business before the House, they saw that there were only two courses that could be properly adopted—the one to bring down a message respecting the Civil-list, and propose to the House the settlement of that measure for the new reign, and then proceed with the public business already commenced; the other course is only to consider those measures which are absolutely necessary for carrying on the public service, and for preventing any public injury during the time which must elapse before a new Parliament could assemble. Now, with respect to the former of these courses, although I have no doubt that the present Parliament would have considered the matter of the Civil-list in the spirit of loyalty and devotion to the public service, and that a provision would have been made most adequate for the dignity of the Crown, yet, in considering that measure in conjunction with the other measures now before the House, it did not seem advisable that we should immediately undertake that measure, and proceed at the same time with those other important measures. The obvious objection which will strike every one as to proceeding in such a course is the expectation, the general and prevailing expectation, founded, not upon any advice or any proposition which may be adopted by her Majesty, but by a positive enactment of law, declaring that a dissolution should take place within a certain period. Therefore, if the House should proceed to consider the Civil-list, and the various measures already under consideration of the House, two very certain and inevitable evils would have occurred: the one is, that a number of Members of this House, anxious to place themselves before those who had hitherto been their constituents would have left the service of the House, and would not attend here on measures of great public importance. The other evil, and which I think ought fairly to be considered by the Sovereign and her Ministers, is, that Members attending here, and performing to the utmost their duties to the public, will be exposed to the disadvantage which must occur—that while they are acting in the manner which they think conducive to the public interest, others will go before their constituents and represent their conduct in a light that is unfavourable, while the Member himself is unable, in consequence of attending this House, to clear his conduct from misrepresentation. That is a reason why I think we should not go on with all the measures now before the House. There are, Sir, up to this day, above sixty bills and orders of the day; combining the discussion of these with the consideration of the Civil-list, would protract the Session for at least two months longer. The question then is, what are the questions on which it would be advisable to call for the decision of Parliament? and what are those measures of which we can postpone the consideration? I have already stated the alternative of either going on with the regular business of the Session, including the consideration of the Civil-list, or of putting off all measures not absolutely necessary, and which might be postponed till the meeting of a new Parliament. Now, I do not think it would be advisable to adopt a course partaking of both these plans, going on with some bills and postponing others, and therefore consider it would be preferable to adopt the latter proposition. The first measure proposed to a new Parliament is the settlement of the Civil-list; and here I will take the opportunity of observing that the mode in which the Civil-list was fixed at the commencement of the late reign has obviated many of the objections that were usually raised against, not the amount of the grant, but against the intricacy and confusion that prevailed so long in the system. Notwithstanding that no one could fail to see that several questions must arise and would arise, motions would be made which would attract a considerable degree of attention both in this House and the country; and I must say, also, that if that question were to be taken up by the present Parliament, there are some others that call for consideration before that was proposed to the House. The question was different at the conclusion of the reign previous to the last. A measure was, therefore, introduced which, in my opinion, and in the opinion of many others, it was inexpedient to defer to another Parliament, namely, the consideration of the Civil-list when his late Majesty ascended the Throne. The present Queen was then a minor, and it was a matter of great importance that there should be a settlement of the regency, in order that in case of any calamity befalling the Sovereign, the country might not be without a regent to exercise the royal functions. No such necessity or difficulty exists at the present time, and the only proposition that it will be necessary to make now is, that provision be made by Parliament for defraying the expenses that are usually incurred under the Civil-list until the meeting of the new Parliament, when the matter could be deliberately brought under their consideration. With respect to another subject—the supplies of the year—the greater part of them have already been voted, and it would not be proper to depart from the ordinary course, but to bring them forward on supply nights, in order that they might be appropriated at the end of the Session. It will also be necessary to provide for continuing the sugar duties, before they expire. I proceed now to consider measures that had been for some time before the House, and also some of those which have been sent to the other House. The most important measure proposed to Parliament this year relate chiefly to Ireland; and I think, considering the great party differences which exist—considering the great numbers arrayed on one side, and the other with respect to one of these measures, the Irish Tithe Bill—it would not be proper, unless you are prepared to continue the whole business of the Session, to bring that measure further under consideration during the present Session of Parliament. There is another measure to which I have a great wish to call the attention of the House, because it is not a party measure, and also because it is a measure the principle of which has received general support, and is likely to receive the sanction of the House with respect to its general details. I mean the measure for the introduction of Poor-laws into Ireland. But at the same time, for reasons which I have already stated, many Members would be absent, from the belief that Parliament would not be of long continuance, and it would not be fair to the Members who represented Ireland to bring under the consideration of the House a Bill so materially affecting them, and which is so entirely new for that part of the kingdom, without having the benefit of their opinions, or enabling them to propose what amendments they might judge necessary. I must therefore, and I say it with great reluctance, in fairness to the representatives of Ireland, defer that measure to a future Session. And here I wish to correct a misrepresentation that has gone abroad respecting what I said on that subject in answer to a question from the right hon. Member for the University of Dublin. That right hon. Gentleman asked if the Bill were founded on the Report of the Commissioners, or the recommendation of Mr. Senior, and Mr. Nicholls, and from the answer I gave, it was concluded that Mr. Nicholls was the author of the Bill. Parties then stated that it was presumptuous in that gentleman to go over to Ireland, set aside the Report of the Commissioners, and introduce a new scheme. In answer to that, I said that the Report of the Poor-relief Commissioners for Ireland contained much valuable information and suggested useful measures, but that as a whole it did not satisfy the Government, and they did not think they could introduce a Bill founded on it. The Government, therefore, after sending Mr. Nicholls over to Ireland, took the opinion of Mr. Senior and Mr. Cornwall Lewis, for the purpose of framing a Poor-law for Ireland; and I cannot pass over the subject without mentioning that the paper drawn up by Mr. Cornwall Lewis was a confidential paper presented to the Government; but as it refers to a subject that will again come before Parliament, I recommend Gentlemen who take an interest in the subject diligently to consider the report of Mr. Lewis, which contained arguments on the subject that were founded on great experience and great knowledge, and enforced with a power of argument which had hardly been surpassed by any paper of that kind. In putting off the Irish Tithe Bill and the Irish Poor-law, though they would be postponed for only one year, I must at the same time say that they are measures of great importance to Ireland, and I believe they would have been brought to a conclusion but for the calamity which has befallen us by the death of the King. There is another measure with respect to Irish Corporations—a measure founded on such clear principles, and supported by every thing that Parliament has done with respect to other parts of the kingdom, that I now state, as I shall always be ready to state, my firm conviction that that measure will be finally adopted by Parliament and the law in Ireland will be founded on principles similar to those which regulate municipal institutions in England and Scotland. The other measures to which I will allude, and which have been under the consideration of Parliament are founded on the Report of the Ecclesiastical Commissioners for England and Wales, and I wish to acquaint the House that it is not my intention to propose any Bill for regulating Ecclesiastical benefices, or ask the House to go on with the Pluralities and the Residencies of Clergy Bills, and I feel myself the more justified in this course on account of the provision made last year, which prevents dignitaries of the Church from disposing of sinecures in Cathedrals and churches till Parliament shall take the whole subject into consideration. I have always considered that there was no question of more importance than the moral and religious instruction of the people; but as it is a subject not pressing, and requiring mature deliberation, I think it may be deferred without injury. There is another subject which has been brought before the House, and, in my opinion, prematurely brought before it. I mean the final proposition for the promotion of religious instruction in Scotland. I have on former occasions stated, that I thought the proposition a premature one, and I now state that I do not think it a proposition on which we ought to decide in the present Session. But, Sir, I repeat, what I have said on former occasions, that I am fully sensible of the importance of the subject; and the House and the public may be assured that the question as to the best means of promoting religious instruction, and as to the funds by the aid of which that object could altogether be best accomplished, will form together a subject to which her Majesty's Government will pay the most serious attention. I am in hopes that a part of the funds originally devoted to the maintenance of the Episcopal Church in Scotland, but now not required, under the name of bishops. teinds and feus, may form some portion of the means for the purpose. The House, however, ought to be in possession of some information as to the nature and extent of those funds; and the subject shall be carefully considered, with a view to ascertain whether by those funds, and by the abolition of sinecures, the means may not be obtained of giving to religious instruction in Scotland the extension which is so desirable. There are some other measures respecting Scotland which have been introduced, the decision of which, however, it does not seem to us to be desirable to precipitate in the present Session; and there is one, to the introduction of which the House has agreed, but which has not been actually introduced—I mean the Bill for the increase of the judges' salaries—with which it is not my hon. and learned Friend the Lord Advocate's intention to proceed in the present Session. My hon. and learned Friend has also other measures respecting Scotland which it was his intention to introduce. Of these he means to bring forward only those which have in effect received the assent of this House, and the passage of which, therefore, through the House, is not likely to be attended with any delay. Sir, there are several Bills in progress through the House which relate to the criminal law of this country. It must be allowed by every one that it is a matter of considerable importance that Parliament should determine upon the definition of what specific crimes shall be the subject of capital punishment. I am of opinion that these Bills are not of a nature calculated to occasion any long discussion; and, therefore, considering how material it is that those persons who are charged with the administration of the criminal law should be rendered perfectly aware of the opinions of Parliament on the subject, it is my intention to propose proceeding with the Bills in question on the earliest day on which I may find it practicable to bring them forward. Sir, I shall be exceedingly glad if we may also find it possible to proceed with the Imprisonment for Debt Bill. There is another measure, Sir, respecting our colonial administration, which is one of great importance, and with regard to which I yesterday evening promised the hon. and learned Member for Bath that I would give a distinct answer to a question which he put to me on the subject—I mean the state in which the question between the Assembly of Lower Canada and the Government of this country now stands. This House agreed, by a large majority, to certain resolutions on the subject; in which resolutions the other House of Parliament concurred, I believe, without any, or with little difference of opinion. The sense of Parliament has therefore been fully pronounced on the claims set up by the Legislative Assembly of Lower Canada. It remains for us to introduce a Bill embodying the resolutions to which Parliament has agreed; and enabling the governor of Lower Canada to take from the chest of the colony the supplies not voted by the House of Assembly, but necessary to defray the expenses of the civil government in the province. Sir, I should be very unwilling now, at the commencement of a new reign, to enforce a measure which, absolutely necessary as I think it to be, may yet be considered by some to bear a harsh and coercive character. I think the bill which it is my intention to propose, may ultimately be only probably, I wish I could say only possibly, necessary. But to me it appears, that it is not necessary that we should proceed with that Bill in the present Session of Parliament. Whenever it may be introduced, so large a majority of the Members of this House are bound to support it, and it is so obvious that it will meet with no opposition in the other House of Parliament, that the Assembly of Lower Canada may be induced by such a declaration on the part of the Parliament of Great Britain to conclude that their claims and propositions are not consistent with the relations which ought to subsist between a colony and the mother country. It is scarcely necessary for me to add, that I should most heartily rejoice if such should turn out to be the case, and that if, instead of persevering in the inadmissible claims which they now make, the House of Assembly, by advancing claims of a more moderate character, should put an end to the existing differences, and should heal the wounds which those differences have inflicted. But, Sir, when I say this, I do not mean to retreat in the slightest degree from the doctrine which I have heretofore maintained on the subject. I hold to the various propositions which I have heretofore advanced; and Parliament having declared their concurrence in these propositions, I hope the Assembly of Lower Canada, animated by good and patriotic feelings, will see the expediency of modifying their course. If the Bill to which I have alluded do not pass, it will be necessary to agree to a vote of credit for the purpose of carrying on the civil government and of paying the salaries of the judges, as well as of discharging all the arrears due to them; the advances to be repaid out of the treasury of the colony. There are some other measures which we think it will be necessary to introduce in the present Session; and several Bills will also be called for, for the purpose of continuing Acts that are about to expire. Among the former, it is the intention of my right hon. Friend, the President of the Board of Trade, to bring in a Bill to enable the Commissioners to carry on the surveys and maps connected with English tithes. I intend to propose, and I do not anticipate any objection to the proposition, the appointment of a Committee on the subject of Church leases; in order that that Committee may collect and arrange all the evidence necessary with a view to its being submitted to the consideration of a new Parliament, and thereby of saving the time which would be lost if the appointment of such a Committee were to be deferred until the assembling of that Parliament. It will, as I have already said, be necessary to introduce several Bills for the purpose of continuing existing acts; but it is not likely that those Bills will provoke any observation or opposition. I have now, Sir, before moving the Address to her Majesty, which I am about to have the honour of proposing, stated the course which her Majesty's Ministers intend to pursue with reference both to those measures which are already before the House, and to those new measures which they think it their duty to introduce. On the whole, it is our determination to take only those supplies, and proceed with and propose only those measures, which can fairly be considered by the present Parliament, postponing the consideration of any proposition which we think cannot be fairly and advantageously discussed in the present Parliament. I now beg leave to say a few words as to the principle on which alone her Majesty's Ministers will be guided with reference to the measures to which I have adverted, or to any others which we may deem it advisable to recommend to the adoption of Parliament. We consider that, during the last few years several measures of vast importance, of a religious and of a political character, have received the sanction of the Legislature. Of the former, the Bill for removing the civil disabilities of the Protestant Dissenters, and the Bill for the relief of the Roman Catholics, were the chief. Of the latter, the Bill for reforming the Representation of the People, was the great and prominent measure. Sir, there are those who, considering that those measures are on the Statute-book, are willing that they should remain there; but who, having made a determined opposition to them in their progress, although they are willing that they should remain on the Statute-book, are not disposed to agree to any proposition which would carry them into effect. Sir, in any such disposition we never can concur. We shall always maintain that those measures were not intended to be barren; but that they were intended to be productive of fruits beneficial to the United Kingdom in all its future relations and administrations. When you said, that you would no longer impose civil disabilities on the Protestant Dissenter, when you said that you would no longer impose civil disabilities on the Roman Catholic, you said that, preserving all the just rights of the Established Church, you would provide that, in all the civil relations of life, the members of different religions should be placed in a situation of perfect equality. We consider it to be wholly inconsistent with the spirit of the measures which have been already adopted on the subject—an inconsistency not shared by many in this House, but which has been too frequently manifested by persons out of this House—to grant civil privileges to persons professing one religion, in preference to persons professing another religion; thereby making the Established Church the object of extensive hatred and ill-will, and sowing dissensions, distrusts, and jealousies in every quarter of the country. We are of the opinion which was expressed by William 3rd, "That religion is God's province, and that religious differences ought not to be carried into the civil relations of the State, or into the civil relations of life." Of this I am quite sure, that the attempts which have been made during the last two or three years, to excite differences grounded on religious principles, to disseminate ill-will and distrust among persons of different religious persuasions, can never tend to form the foundation of that united community which it is so desirable that the people of this great empire should become. In this country, a great majority of the people are members of the Church of England, but they are combined with millions of Dissenters of various descriptions. In Scotland, another class, formed of Dissenters, constitutes the great majority of the people, and forms the Established Church; but of which the Queen is the head. In Ireland, there is a small minority of the members of the Established Church, and a large majority of the professors of another Christian creed. Of all these classes, the Sovereign of this country is the Sovereign. Of all these classes, the House of Commons is the representative. Since the passing the Bill for relieving the Protestant Dissenters—since the passing of the Bill for relieving Roman Catholics—it can no longer be justly maintained, that differences of religious opinion ought to be rendered the source of civil jealousy and disgust. If we wish this empire to be strong—if we wish it to be united—if we wish it to present an unbroken front to any enemy by which it may be attacked, we can obtain that object only by doing that which is not only not contrary to religion, but which is in strict conformity to the spirit of true religion—we can attain that object only by extending to those who, although they differ from us in religion, have the same civil interests as ourselves, the hand of fellowship; by treating them with brotherly love and affection, by respecting the conscientious feelings of those who worship the same God as ourselves, although not exactly in the same form, and with the same ceremonies. With respect to the other great measure which I have mentioned, the Bill for Reforming the Representation of the People in Parliament, while I consider it a final measure in one sense of the expression, I do not consider that it is to remain a barren and unproductive act on the Statute-book, or that it ought not to be followed by any other measure that may be thought calculated to improve, to ennoble, or to advance the institutions of this country. So far am I from thinking that it ought not to be so followed, that, on the contrary, I think it most accordant with the spirit of the constitution that such improvements should be proposed to Parliament, that they should be deliberately discussed, and that, if adopted, they should be adopted on grounds of public benefit; and that, if rejected, they should be rejected on the ground that they are not conducive to the public benefit, and not from motives of bigotry or prejudice. In that spirit, Sir, and in that spirit alone, can we continue to administer the affairs of the country. In that spirit, and in that spirit alone, we have advised, and shall continue to advise her Majesty, who has been graciously pleased to confide to us the responsibility of directing the public affairs. I am quite aware, that in pursuing this course, we cannot pretend to expect the universal concurrence of the Members of this or of the other House of Parliament. I am aware, that we shall be exposed, as other administrations have been exposed, to misconstruction of our motives, and misapprehension of our objects; but we have accepted our situations with the condition which naturally belongs to them, and we shall be ready at all times to defend our conduct in offering to our gracious Sovereign the best advice which it is in our power to give. We know, that in some cases, we shall not experience the concurrence of persons who believe that they are more attached to the ancient institutions of the country than we are, or who fancy they know better than we do the effect which liberal measures will produce on the State. But we are sure, that the people of the country, generous and just, will give us credit for doing the best we can to promote their welfare and prosperity; and, called by the Queen to submit to her Majesty such advice as we may think proper, we shall always tender that advice in the spirit in which alone it ought to be offered to any Sovereign, and with an anxious desire to advance the freedom, to promote the happiness, to sustain the glory, and to perpetuate the name of this great empire. The noble Lord concluded, by moving an Address to the Queen; which was an echo of that part of the Message to which he had referred.

Mr. *Hume* said, it appeared by what had fallen from the noble Lord that in a few weeks that House was to separate, after having sat for four months without agreeing, with a single exception, to any one measure of importance. He admitted that the course proposed by the noble Lord was the only one that could be adopted under the circumstances of the case; but it was a matter of grave consideration for the people of England what had produced that state of circumstances, and what steps were calculated to avert its recurrence. Of this he (Mr. Hume) was quite sure, that if the House again met, with parties balanced as they now were, the same results would follow. He was convinced that public business could not go on unless one party had a decided majority over the other. He did not differ from the noble Lord's view of the course which the House ought now to adopt. He regretted, however, that the noble Lord had not said anything about the emancipation of the Jews. He hoped, however, that that was mere forgetfulness; and that justice would be done to the Jews as well as to the professors of every other religious creed. He begged to tell the noble Lord, also, that he was extremely sorry that, as a minister of a new sovereign, he had not intimated any intention of completing the Reform Bill. There was another measure, the final Registration Bill, the non-passing of which would leave Ireland at the general election in a dreadful state. This should be considered by her Majesty's Government. At present there was not a single election in Ireland in which the candidates were not subject to enormous expense and endless trouble. He was sorry that the noble Lord was determined to persevere in his Canada project. For himself, he would never consent to give a pound of the public money in this country for the purpose of supporting misrule elsewhere. If the noble Lord flattered himself that the Assembly of Lower Canada, when it met, would regard with a friendly eye the resolutions of the Parliament of Great Britain, he was greatly mistaken; and he (Mr. Hume) was sure that the House would not warrant a vote of credit to Ministers who were so unworthy as to endanger a civil war in the state. He trusted that by the commencement of the new Parliament, Government would be prepared to carry out the principles of reform, and would propose the only measure which would enable electors to give their votes honestly and without intimidation—the ballot. Extended suffrage was also most dear. If the noble Lord should not be prepared to make such propositions, he (Mr. Hume) trusted that other Members would; and he was sure that they would be supported by the great body of the population. He hoped that among other matters to be reformed, the noble Lord would not forget our large establishments. A change was requisite in the whole management of the army. He hoped that our military establishment would not only be reduced, but placed under the management of men whose opinions were in unison with those who were pledged to carry reform into every department of the state. He was aware that there had hitherto been a difficulty on that point; but he trusted that that difficulty had now ceased. There was one more subject to which he wished to advert. He hoped that in the new Parliament, Ministers would be prepared to recommend to the House a general system of education for the people; if not, he was persuaded that they would be compelled to do so by the public voice. He would tell the noble Lord that if education had been spread more widely throughout the country, the outcry against the new poor-law would not have been so loud and general; and that if he wished the principle of that measure, which he (Mr. Hume) again declared to be the best measure in principle which a Government had ever produced, to be generally approved, it could only be by general education. He hoped, therefore, that Ministers would be prepared with a plan on the subject; and that, in point of education, Englishmen might hold up their heads as highly as the subjects of any despotic monarch. The noble Lord had not said anything about the press. If he wished well to the people, he would replace the press in the condition in which it was in 1792, and would repeal the Bill of last Session, which was a disgrace to Parliament and to the right hon. Gentleman by whom it had been introduced. In regulating the civil list, he trusted that Ministers would take care that the public money should not be received by those who were undeserving of it.

Lord *Stanley* said, that however unsatisfactory it might be that after sitting for so long a period as from February to June, they should be compelled to close the Session with so many important measures unfinished, and so few brought to a completion, he should not do justice to her Majesty's Ministers if he did not declare his entire acquiescence in the propriety of the course proposed by them under existing circumstances of postponing the further consideration in the present Session of those measures. He agreed with his noble Friend in the difficulty, and indeed in the almost impossibility, of carrying forward and discussing measures of great importance, not only when the patience of the House was nearly exhausted, but when the near approach of a dissolution must render the attendance of Members unfrequent and reluctant; since every man would feel that his private affairs and interests rendered his presence elsewhere necessary. As he agreed in the postponement of those great measures, so he agreed generally in the selection of the measures to be proceeded with. He thought the measures respecting the criminal law had been received with so much favour, and had excited so little difference of opinion, that they ought to be carried into practice; and he was sure that with respect to that and other necessary measures, every disposition would be shown to aid her Majesty's Ministers in closing the Session; and that no obstacle would be vexatiously thrown in the way of that object. He also thought it exceedingly proper that a bill should be brought in to enable the Commissioners to prosecute the tithe surveys, with the view of carrying into effect the measure of former years. There was one question to which, in adverting to various topics, the hon. Member for Middlesex had alluded as the grounds of difference existing between himself and her Majesty's Government; but he (Lord Stanley) thought that whatever might be the views which her Majesty's Government entertained, they had exercised a sound discretion in not pledging themselves in regard to any particular measures to be brought forward in a future Session. But he would beg to call attention to one or two topics, to which he thought more definite allusions and some provision should have been made. In the first place, the noble Lord had adverted to the circumstances of the late reign, and the necessity which then existed of making provision for the demise of the Crown. Undoubtedly the circumstances of the late reign and accession were very different from those which distinguished the present reign; but he was in no way certain that it would not be wise (little as it might be expected, and God forbid it should occur) that provision should be made upon the event of the demise of the Crown before the meeting of the next Parliament. He thought it would only have been wise to have made a provision for a contingency, even in the case of one so young, and he trusted so likely to live long, as her present Majesty. But though the immediate successor to the Crown were but a minor, yet in the event of the demise of the Crown the probable presumptive heir to the Crown would be absent from the country, he being an independent sovereign residing in his own dominions; and in the event of the demise of the Crown, and in the absence of the heir presumptive, there would be no person in whom the absolute dominion would vest until the heir apparent should return from a foreign country. He need not say that he hoped no such case would occur, yet it was a case in which, if the provision could be made, it should be made before the present Parliament separated. Undoubtedly, he rejoiced that his noble Friend had determined not to proceed on a question which he knew he was most anxious to pass this Session, namely, the Irish Poor-law Act. He was most anxious for one that that measure should be carried into effect this Session; but it was because he (Lord Stanley) thought it a measure which required the greatest consideration — a question on which such a variety of opinion existed — a question which no doubt the noble Lord was most anxious to see settled — one which those less acquainted with the difficulties of the case were most desirous to see made the law of the land, and that it was a measure, of all others, upon which the attention of the public mind would be directed more fully by the intervention of another Session, that he rejoiced at the determination of the noble Lord. There was another measure, however, which the noble Lord had abandoned for the present Session, and he deeply regretted this circumstance, though he did not mean to impute blame to the noble Lord or his colleagues—he meant the measure regarding Canada. He certainly thought it a misfortune that at an earlier period of the Session—his noble Friend having then obtained large majorities in that and the other House in support of the measure of his late Majesty's Government — should not have proceeded at once to carry into effect the resolutions of both Houses of Parliament; and that he had not given effect to those resolutions by the introduction and carrying through a Bill to enable the Government to evercome the difficulty in which they were placed. At this period of the Session he was not prepared to say that the noble Lord was not justified in not acting on the resolutions of both Houses, which involved the repeal of an existing Act of Parliament: and whilst he did not rejoice at, he did not mean to complain of, the course which the noble Lord had pursued, because he had accompanied his abandonment of the measure by a specific assurance with reference to Canada to maintain the position which he had guaranteed to the House. He had suggested the propriety of taking a vote of credit in the event of the Bill not passing, which he, for one, gladly concurred in, because he held that it would be satisfactory to the Canadians that these measures should be carried into effect. There was, indeed, one point upon which he regretted the course intended to be adopted by his noble Friend. He meant that he should propose, under existing circumstances, and at the present time, to nominate a committee on the subject of church leases, thus keeping alive the excitement which prevailed on the subject without in the slightest degree tending to the settlement of that great question. In saying this, however, he (Lord Stanley) was not disposed to throw any obstacle in the way of the measure which her Majesty's Government might bring forward at the close of the Session. He wished time to express a definite opinion; and he must enter a *caveat* against the nomination of this committee, and must reserve to himself the discretion of taking any step which he might think it expedient to adopt. He did not think it necessary to offer any observations on the concluding remarks of his noble Friend as to the spirit and temper in which her Majesty's Government were prepared to conduct the affairs of the country, because, having listened very attentively to the many well-rounded periods of his noble Friend, he was just as much at a loss to know in what possible way those great differences arose between one portion or side of the House and the other as he was before his noble Friend made his well-rounded periods. His noble Friend had told them that the measure for the repeal of the Test and Corporation Act was not a dead letter—that the Roman Catholic Disabilities Removal Bill, the Municipal Corporations Bill, and the Reform of Parliament Bill could not remain a dead letter; and he seemed to imagine that in saying this he made an expression of opinion on the part of her Majesty's Government which was not accorded to by every one on the other side of the House. He was one of those who assented to the carrying of all these measures. There were those on that side of the House who had opposed those Bills, but he had not heard any one in that House, or out of it, express the smallest wish or disposition to trench in the slightest degree on these measures, and he had yet to learn who had done so. He recollected the declaration which had been made by his right hon. Friend the member for Tamworth (Sir Robert Peel), that trench on the Reform Act who might, he would not be the first to do so; and he doubted whether the first trenching upon it would not proceed from the other side. He should be sorry if the Reform Act could possibly be made a dead letter; the thing was impossible in itself, because the Reform Bill carried with it its own vitality—it being the Act for the representation of the people in Parliament, it carried with it its own existence, and therefore it could not be made a dead letter. "But (said the noble Lord) if you mean to tell me that this is to be made the precursor of further organic change, that having given to the democratic party for whom you introduced this great power (I supported that Act), it is now intended to still add to that power, and to interfere with the co-ordinate and equal rights of another branch of the Legislature, I tell you that that is not the spirit in which Earl Grey's Government brought forward the Reform Act. I tell you that that is not the spirit in which I adhered to it. I tell you that in the spirit of Earl Grey's Government I will adhere to the Reform Act as a living Act, but not as the precursor to means affecting further organic changes." Then, with regard to the question of religious liberty, the noble Lord proceeded to say, that he had supported very willingly the repeal of the Test and Corporation Act; and when, in the year 1827, it became his lot to take a subordinate office under Mr. Canning and under Mr. Huskisson, the condition which he had ventured to assert for himself in taking office was that, be the course of the Government what it might, he was at liberty to separate the questions of the repeal of the Test and Corporation Act, the Roman Catholic Disabilities Bill, and the Reform of Parliament Bill. With regard to the latter measure, particularly, it went to sweep away all distinctions with regard to civil rights and privileges, and therefore he had supported it. He did so honestly. He adhered to that measure still. He wished to see any Ministry which might sway the government of this country adhere to that measure; but he could not conceive himself bound to sanction anything which went to infringe upon the rights or possessions of the Established Church. He wished not to introduce topics of discussion relative to Dissenters, but when the noble Lord spoke of the extinction of civil and religious liberty, he (Lord Stanley) would say that, as he had supported the Reform Bill, so he would not give further power than what was given by the Act itself. He supported the Act for the relief of the Dissenters so far that he felt they would resort to no means to overthrow the Established Church. So far he was prepared to go — further he would not go, one way or the other; and as he would endeavour, in whatever situation he might be, to see affirmed that fair, full, legitimate, construction of all these measures, as strenuously would he resist any attempt which might be made to pervert them from the legitimate purposes for which they were intended. In respect to the concluding observations of the noble Lord, he presumed that the course intended to be pursued by her Majesty's Government was that of the *juste milieu* between different parties, and he wished them success in their attempt; but looking to the language of the hon. Member for Middlesex, he thought there seemed as many difficulties raised on that side of the House as there were on the side which was occupied by those who were called the opponents of the Government and their supporters.

Mr. *Roebuck* expressed his dissent to the observations of both the noble Lords who had preceded him with respect to Canada, which was in a state of combustion similar to that of the United Provinces of America in 1774. The Canadians had, by public resolutions, boldly declared their intention of throwing off the authority of this country, and he would tell the noble Lord that they would treat his Act, whenever he passed it, as they had treated his resolutions, unless, indeed, their rights and liberties were secured by it. Her Majesty's Ministers seemed to take up their present position on the supposition that the feeling out of doors was in their favour. It was true that the accession of the young Sovereign to the Throne might naturally excite the enthusiasm of the people, but there was sufficient discernment abroad to discover that her Majesty's Ministers wished to turn that feeling to their own profit. But there was reason to believe that her Majesty was well acquainted with the real character and state of parties in that House, and that she understood the difference between what were called the Liberals and the Conservatives. Both her Majesty and the people, he believed, knew that the one side wished for certain improvements, while the other side was opposed to all changes. He thought the people of England entertained a belief that the education of her Majesty had been such as to make her fully capable of understanding all matters relating to the political condition of the people, without having recourse to the vague modes of expression which were used in that House. The enthusiasm out of doors went a great way, but it would not carry her Majesty's Ministers through, unless they attended to the wishes of the people. The Ministers had now a new lease of the people's affection, but they must pay a price for it; they must give something for the goodwill of public support. He might be told, that the House of Lords must not be coerced; be it so. It might be said, that the House of Commons was the same as before the passing of the Reform Bill, and that its relative power was unaltered. But if the Reform Act were not to remain a dead letter, the object of it should be fully carried out. What was that object, but that the people should be equally represented, and not a section—not that a mere party in the country, but that the interests of the whole people should be fairly represented? That had not yet been done; and there was one great proof of the non-accomplishment of that object, the failures of the noble Lord (Lord J. Russell), both in the present and in the former Session. Some fears were entertained that the stability of the Church would be affected in Ireland by the establishment of Municipal Corporations there, and they had been refused, because it was said, that Roman Catholics would become recipients of the civil rights which they would confer. What was the cause of the failure of that measure? Why, the weakness of the noble Lord's own principle in that House. The principle of the Roman Catholic Emancipation Act was, that civil rights should be extended to all, and how could the noble Lord and the hon. Gentlemen opposite carry out the principle of that Act, if he opposed the Irish Municipal Corporation Bill? The noble Lord, the Secretary for the Home Department, had cited fine words, and the imagination of each party might be pleased therewith, but the people would ask for something more definite, and would want to know, with the hon. Member for Middlesex, whether they were going to reduce the public expenditure and the standing army, whether they would remove that plague-spot, the Tory Government of the army, and why the noble Lord at the head of the army was continued in the command of it? If the noble Lord wished to continue in office six months after the meeting of the next Parliament, he must do something to advance cheap and good government. If he did not, there would be no excitement or inducement out of doors to support him. [*Cheers.*] Hon. Gentlemen opposite seemed to cheer that sentiment; but he must tell them, that if the noble Lord would secure the affection of the people, he must regard the hon. Gentlemen as his most decided enemies. If the noble Lord wanted to secure the support of the country, he must not be terrified by denunciations against organic changes. We must have an extended suffrage, and we must have the hon. Gentlemen opposite put down. That was the programme of the coming Session, and it must be acted up to the letter. The noble Lord had on the present occasion attempted to conciliate all parties, but he had stated nothing in fact. He hoped that, before the close of the Session, the noble Lord would be more definite, for if he were not, whatever course he proposed to pursue, he might be certain that he would defeat himself.

Sir *G. Clerk* did not rise to oppose the motion of the noble Lord, having been one of those who supported a similar one in 1830, and he congratulated the noble Lord that the powerful arguments which failed to produce a conviction in his mind had now so far satisfied him that he had been induced to make use of them himself. The noble Lord had endeavoured to chalk out a middle course, but, as a natural result, in attempting to please everybody, he had given very little satisfaction to any one. The noble Lord, had, however, made one discovery, which, though late and unexpected, afforded some gratification to those who wished to see the stability of the Church maintained. He had acknowledged the necessity of doing something to remedy the great evils which prevailed in Scotland in consequence of the want of sufficient religious instruction, and he congratulated her Majesty's Government that they were able at last to give an unqualified admission (an admission which hitherto it had been difficult to obtain) that it was the bounden duty of the Government to provide sufficient instruction for the people out of the Established Church. The hon. Member drew a broad distinction between those who sat on that (the Opposition) side of the House, and those on the other (the Ministerial) side, whom he characterised by the more popular name of Liberals, as being anxious to promote the improvement of the institutions of the country, while the Conservatives were opposed to every thing in the shape of change and amelioration. The justice of such a representation he altogether denied. They were doubtless opposed to hasty and reckless changes—to crude and undigested legislation, which either gave rise to tedious and interminable discussions so as altogether to suspend the other public business of the country, or became law in so imperfect a shape as to require two other Bills to be immediately afterwards passed (which had actually occurred this Session with regard to the Births, Marriages, and Deaths Bill,) in order to explain, suspend, or modify its operation; but, at the same time, they were not backward in advocating and supporting measures calculated to effect a real improvement in the institutions of the country, and adapting them fairly to the spirit of the age in which they lived.

Mr. *Wakley* said, when his constituents asked him, as they soon would, why so little had been done this Session, he should be compelled to answer, it was because the Tories would not allow, practically, good measures which had been proposed to become law. It was in consequence of the opposition of the Tories that the Irish Municipal Bill, the Imprisonment for Debt Bill, and every other excellent measure had not passed. In fact, while the House of Commons continued as it now was, Tory-logged, no advance in legislation need be expected by the people. He complained that the noble Lord (Russell) had not been sufficiently candid in the expositions of his intentions to his supporters on that (the Ministerial) side of the House. He did not see why the present Parliament should be dissolved with such extreme haste. He did not see why it should not sit till November; besides, a Parliament about to be dissolved was of all others most likely to work well for popular interests. If Parliament were dissolved in a month they might be called upon to meet in November; and if the Conservatives were to join with the Whigs, the Radicals would have to go to the other side of the House, and be content to remain there for the next six years to come. An amusing prospect, no doubt, which he saw excited the merriment of the noble Lord, the Secretary for the Home Department. He wanted to know, then, what the noble Lord meant to do with respect to the Ballot, with respect to the repeal of the Corn-laws, and with respect to the extension of the franchise. He had supported the present Ministers because he could not get better; from a Tory Government he expected nothing. Hon. and right hon. Gentlemen opposite had not popular virtue enough to make even a bidding for place. They would not announce to the people the measures they would support, while in the mean time, with civil equality of rights to all classes of her Majesty's subjects on their lips, they withheld the blessings of self-government from the Irish people merely because they were Roman Catholics. Under these circumstances he, for one, was extremely anxious to get all he could out of the present Ministers, and he hoped they would be induced to come forward with some substantial measures. When the noble Lord (Lord J. Russell) returned to Stroud, as he must shortly do, he hoped the good people there would not be satisfied with such a speech as that which the noble Lord had addressed to the House that night. He hoped the people of Stroud would apply the Reform screw to the noble Lord's head, and extort from him an appearance of better and more substantial things. He was anxious that the present Ministry should continue long in office if they were really disposed to carry out the principle of reform with integrity and zeal. But if they were inclined to slumber, if they evinced a spirit of tardiness and indifference, he trusted that under a new Parliament they would not be allowed to retain their places, but that they would be succeeded by a Minister who, without hesitation or delay, would apply himself to the working out of all those great measures which the people so ardently desired to see adopted.

Mr. *G. F. Young* gave credit to the noble Lord, the Secretary of State for the Home Department, for the course he intended to pursue, and could not help thinking, if Government would but discard the support, feeble as it was, and utterly, as he believed, foreign to the sympathies of the people of England, which they received from the Radicals in that House, and throw themselves on the good sense and feeling of the country, they would find, in a gain of twenty for one, abundant compensation for their loss.

Mr. *Robinson* said, it was impossible for him, consistently with his duty, not to express disapprobation at the conduct of the noble Lord with respect to Lower Canada. He was willing to admit, that in the present state of affairs, considering the unexpected demise of his late Majesty, no other course was now open to him; but the noble Lord had really shown too much vacillation and delay upon this subject. After bringing forward the resolutions, and obtaining such a triumphant majority in their favour, it was not fair, it was not right to allow them to remain for several weeks a dead letter on the votes, and now to call for a vote of credit in order to pay the arrear of salaries to the civil officers in Lower Canada. Why should the people of this country be called on in the present expiring Parliament to pass a vote of credit for 100,000*l.*, while the money, out of which the officers should be paid, was lying in the chest in the colony? That was a most unwise and undignified course. With respect to the other branches of the business of the country, he could not help observing, that he thought there was too much party spirit evinced in all the proceedings and measures of that House. He belonged to neither Whig nor Tory; he had no predilection for either; he wished to see that party in office most likely to work at good government for the people. But although on a whole he had given a general support to the present Government he must own his hopes had been grievously disappointed. Nothing whatever had been done for the people; and he did not see how the evil arising from the state of parties in that House could be remedied but by the constituencies taking care not to pledge their representative to those party objects which too much engrossed the attention and determined the movements of the present Parliament.

The *Chancellor of the Exchequer* said, that in adverting to what had fallen from some hon. Gentlemen opposite he thought he should be able to show, and he would on that point appeal with confidence to public opinion, that much exaggeration had been indulged in with reference to the measures which had engaged the attention of Parliament. With respect to the public importance of the measures it had passed he would refer to the Municipal Reform Bill, which had been passed by the present Parliament, a measure second only in importance to the Reform Bill for the good which it had created, and for the evil it had destroyed; if it had done nothing else it had destroyed an irresponsible authority, and if its advantages had not been equally extended to all classes of her Majesty's subjects, the fault did not lie with her Majesty's Ministers, who had carried a Bill for that purpose through the House of Commons. He said this as much in defence of the House of Commons as of her Majesty's Ministers. Did hon. Gentlemen think that in passing the Tithe Bill a question of great importance had been settled? The Bill was one that had long been desired by the agricultural classes, and from which he anticipated much good. They had also brought to an amicable close the claims of the Dissenters. After a struggle prolonged through many years, was it nothing to have passed a law regulating the marriages of that portion of her Majesty's subjects? Whatever might be said to the contrary, he thought the people of England would accept those measures as some of the fruits of the Reform Bill, and think with him that the hon. Member had misrepresented the House when he said that it had done nothing for the benefit of the public. He would now very briefly advert to what had fallen from the hon. Member for Finsbury, who generally addressed the House with so much point and good humour, although he did not then see the hon. Member in his place. The hon. Member for Finsbury had found fault with the statement of his noble Friend because he had not gone into an enumeration of each measure that he intended at a future time to advocate. Now, he thought the House would agreee with him that if his noble Friend had gone into all the acts which he might at a future time recommend to the adoption of Parliament, such a course would fairly have been considered as premature and imprudent. In reference to the advice which an hon. Member opposite had tendered to Government, he could only say, that they had never attempted to frame their measures so as to catch the votes of either one side of the House or the other; they proposed such measures only as they felt it their duty to the public to bring forward, and he did not think it was their duty on the one hand to carry their measures further than they thought advisable to secure the votes of their Radical supporters, nor, on the other hand to pare down liberal measures to suit the views of hon. Members opposite. If they had pursued such a course he did not doubt but that there were many hon. Members in that House who would have seen through and exposed such an insincere and trimming policy. As the House seemed inclined to accede unanimously to the proposition of his noble Friend, it had better proceed to the order of the day for a Committee of Ways and Means.

Mr. *Maclean* rose only to draw the attention of the Government to some points connected with the Poor-laws. He wished them to take some step in the appointment of chaplains to the various unions. He had stated his intention on a former occasion to move for a return of those unions to which chaplains had been appointed, and of those unions in which permission was not given to paupers, being Dissenters, to go to chapel. It was a subject which had excited great interest, and though he should not move for those returns under the present circumstances, yet he would express an earnest hope that the noble Lord would not allow so many months as must elapse before the meeting of another Parliament to pass over without giving those Dissenters who were in so unfortunate a situation the opportunity of leaving the unions on the Sunday for the purpose of attending divine worship at whatever places their consciences might lead them to select. The next point to which he wished to draw the attention of Government was the amelioration of the criminal code. He wished that those ameliorations had been carried further than was contemplated by the Bills already proposed. He very much wished that the punishment of death should be done away with altogether.

Mr. *Sharman Crawford* wished to call the attention of the noble Lord to the state of the poor in Ireland. As the Poor-law Bill must now be unavoidably postponed, and as there was, unfortunately, great cause to apprehend extensive destitution amongst the poorer classes in that country, he thought it would be advisable for the noble Lord to ask for power to expend some money in relieving those unfortunate people who might require it, which advance might afterwards be repaid out of the Poor-rates.

Lord *J. Russell:* In consequence of what had fallen from the noble Lord opposite in the course of the debate, in which the noble Lord had made allusion to a contingency which he earnestly hoped was a most improbable one, that the throne of this country might be vacated, and the crown might be inherited by a foreign sovereign, and that it might be necessary for Parliament to provide for the government of the country in the interval that must occur in that case, he felt it necessary to say, that a Bill to provide for that unfortunate contingency would be brought in before the close of the present Session. An hon. Gentleman near him, had alluded to the sudden distress that might be expected among the poorer classes in Ireland, and had recommended the Government to ask for power to administer relief. He did not think it prudent to adopt that course. It was not necessary nor advisable to commit further powers to Government than those they were already possessed of. With respect to himself, he would only say, that in the course of that Session he had brought forward every topic that could at all agitate the public mind. At the same time, he thought the House would acknowledge that he had never shrunk from the expression of his opinions; and if those opinions were not in accordance with those of the people of England, it was not fit that he should remain in power; but if they were, he thought he might fairly act upon them, without making any attempt to captivate hon. Gentlemen opposite.

Question carried.

Ways and Means.—Sugar Duties.] The *Chancellor of the Exchequer* in moving the order of the day for the House to resolve itself into a Committee of Ways and Means, would make some reference to the motions that stood upon the paper; and he trusted, that if his statement were satisfactory, hon. Gentlemen opposite would not go into any discussion on their respective motions. Part of that statement might be anticipated from that which had fallen from the hon. Baronet, the Member for Edinburgh—he referred to certain parts of the Queen's hereditary revenues in Scotland, which were derived from bishop's lands and teinds. He should say, that it behoved the present Parliament not to take any steps affecting any particular portion of her Majesty's hereditary revenue; and he thought there was no Gentleman in that House who would not shrink from so indelicate and inexpedient a course as the raising of any discussion upon them. The same rule applied to the four and a-half per cent. duties, appropriated as they were by the existing law, the whole of the expense of the ecclesiastical establishment in those islands where these duties were levied, being laid upon them. He should, at a future time, have an opportunity of explaining any alteration that it might be deemed expedient to make in them, and he thought it would be advantageous to all parties that the discussion of them should be reserved to a time when the whole question might properly be taken into consideration. In recommending hon. Members not to press their motions at present, he would only say, that that course involved no abandonment of principle. The right hon. Gentleman concluded by moving, that the House resolve itself into a Committee of Ways and Means.

The House in Committee.

The *Chancellor of the Exchequer* said, it would be in the recollection of the Committee that he had last year, for the first time, proposed the equalization of the duties levied on Sugar grown in our East and West Indian possessions. The Bill of last year affected only the presidency of Fort William, and a strong desire had been expressed by the inhabitants of the Madras and Bombay presidencies that its provisions might be extended to those settlements. Petitions had been presented to the House from these presidencies, praying them to grant to the inhabitants a participation in the benefits of the equalization. The principle on which the Bill of last year had been founded was, that those parts of India alone into which the importation of foreign sugar was prohibited, should have the full benefit of that alteration. Their admission to the benefits resulting from the measure, depended on their consenting to exclude foreign sugar—a condition on which it had last year been thought necessary to insist, as foreign sugar might otherwise be imported into those parts and exported again to this country, as the growth of British possessions. The presidency of Fort William was the only one which had yet passed a law for the exclusion of foreign sugar. Supposing similar laws to be passed by the other presidencies, he proposed, that power should be given to his Majesty to extend, by an order in council, the provisions of last year's Act to all those parts of India in which the exclusion of foreign sugar should be made complete. When the inhabitants of the other presidencies placed themselves in the same condition as those of Fort William, the same privileges ought to be extended to them. The resolution he should now propose, was merely to continue the present Sugar Duties for the ensuing year.

Mr. *Hume* thought the sum paid by Government by way of drawback or bounty was far too large. He wished to know if the right hon. Gentleman meant to bring the subject of drawbacks under the consideration of the House? The chymical experiments of Dr. Ure had, he thought, sufficiently proved, that drawbacks were allowed on a quantity far above the real amount. He thought the Board of Trade was very neglectful of its duties; it was an inefficient and useless establishment, and he strongly reprobated the keeping up an unnecessary board at a great expense. The Sugar Duties, he contended, should be reduced from 24*s.* to 19*s.* per cwt. He was convinced the loss to the revenue would be made up by the increased consumption.

The *Chancellor of the Exchequer* said, that the subject of the drawbacks had been before Government, and they had determined to bring it under the consideration of the House, but under present circumstances such a step would not be advisable.

Mr. *Hutt* said, that he had frequent occasion to communicate with the Board of Trade, and was happy to bear testimony to the ability, assiduity, and business habits shown by its members. He regretted the attack made on it by the hon. Member for Middlesex; and declared that he thought the Board of the greatest importance to the commercial interests of the country.

Mr. *Poulett Thomson* would not now say whether the duties of the President of the Board of Trade were properly discharged by himself or not, but he could not allow the attack made on it by the hon. Member for Middlesex, who denied its utility, to pass unnoticed. He had only to remind the House of the benefits conferred by it on the commerce of the country when a lamented friend of his presided over it. The hon. Member had on this, as on former occasions, exhibited the most perfect ignorance of the duties of that department. In fact, the hon. Member knew nothing whatever about the matter, or he would not condemn such a board as unnecessary. He concurred in his estimate of the difficulties attending the subject of drawbacks; there was no question more embarrassed, less understood by the House, or less easy to bring to a safe settlement. By a new arrangement a considerable sum might be saved to the revenue, but it should be recollected that the interests which had grown up under the present system were great and various. It would be unjust to attempt to carry through a measure relating to this subject in the short period of the Session which remained to them.

Dr. *Bowring* remarked, that the quantity of beetroot sugar consumed in France in the year 1828-29 had amounted to 4,000,000 of kilogrammes, while in the last year it had advanced to 70,000,000 of kilogrammes, and the duty it paid towards the revenue had reached 2,000,000*l.* He felt that it would be impossible to collect a heavy duty on a foreign article, which article the soil of the country was capable of producing, and he appealed in support of his position to the embarrassments which the French government had met with when dealing with the subject. He was of opinion that the Government ought to prohibit the growth of beetroot.

Mr. *Hume* observed, that generally those who were the most ignorant were also the readiest to cry out. What he wanted was, that the establishment of the Board of Trade should be directly connected with the Treasury, as, at the present moment, its proceedings were clogged by the necessity of communication with the Chancellor of the Exchequer. He, however, had not denied the utility of the Board of Trade. He thought that the duty on sugar ought to be taken off as soon as sugar should be generally made from beetroot; he hoped that such a thing as a sugar excise would never be tolerated. If any reduction were practicable, the people ought to have the benefit of it.

Resolution agreed to.

The House resumed.

SUPPLY.—MISCELLANEOUS ESTIMATES.] The House resolved itself into a Committee of Supply on the Miscellaneous Estimates.

On the sum of 120,000*l.* having been proposed to meet the civil contingencies,

Sir *E. Codrington* wished to ask whether there were any intentions to erect a statue to Lord Nelson at the public expense, instead of its cost being defrayed by private subscription?

The *Chancellor of the Exchequer* said, that when the question had been put to him formerly he had given the necessary explanations. He was of opinion that the great name of Nelson deserved commemoration, and he knew no more appropriate place in which to erect a monument to him than the square which bore the name of the spot on which he had achieved his last victory. But from private communications he had learned that a private subscription had been raised for the purpose contemplated by his hon. and gallant Friend. When the question had formerly been mooted, he had said, that the Government would give every facility to the promotion of the object which the subscribers had in view; that he relied on the disposition of the public to add to the subscription; that, on that very account, he felt reluctant to interfere in the matter; and, that if the subscriptions should prove insufficient, then the Government might come forward.

Mr. *Goulburn* did not think there would be any difference of opinion in the House as to the propriety of erecting a monument to one of the country's greatest naval commanders. He must, however, draw the attention of the House to a report on the state of Switzerland, which had been drawn up by the hon. Member for Kilmarnock. He thought that nothing ought to be so much guarded against as the employment and payment of Members of Parliament, when the sums paid to them did not appear in the documents before the House. He did not mean to say, that Members of Parliament ought not to be employed; but he did mean to affirm, that the House ought to be satisfied as to the manner in which the funds voted by it were applied as to whether they ought to be applied according to the method he had mentioned, and as to what the remuneration given to Members of Parliament so employed might be. The country had in different states in Europe resident ministers, gentlemen of great talents, of great experience, and of perfect competency to give to the Government that information which it might require. When he himself had filled the office of Chancellor of the Exchequer, and had found it necessary to obtain certain financial accounts relating to foreign countries, he had addressed himself, through the Foreign-office, to the resident ministers of Great Britain in those countries, and from them he had obtained most valuable information. As, then, this country had at present a minister in Switzerland; as that minister was a gentleman of whose competency he had personal knowledge; as that gentleman possessed those ingratiating manners which aided an individual in acquiring information; he was surprised at the fact, and indeed he was utterly ignorant of the grounds which had induced the Government to select and to pay a particular individual for collecting that information which Mr. Morier was able to furnish, which the hon. Member for Kilmarnock acknowledged that he was able to give, and which he had himself communicated to the hon. Member. The report was one which the resident minister was the fittest to give. It commenced with a general report on the state of the Swiss Cantons in the month of December, 1833. It then proceeded to speak of the commercial relations of that country, which Mr. Morier's letters would equally well have explained. It then went on to give a census of the population and the amount of the revenue of the Federal Government. There was one portion of it which was somewhat amusing, as it treated of watchmaking, and spoke in one chapter of the birth of watchmaking, in the next of the vicissitudes of watchmaking, and in the third of the maturity of watchmaking.

Amongst the documents contained in the report of the hon. Member for Kilmarnock was a poem on the state of manufactures, which had originally been published in the year 1586. In truth, all the documents were of a public character, and easily accessible to the public. The Report filled 141 pages, and 115 of those were composed of public documents, the remainder consisting of the hon. Gentleman's conclusions from them. It was not his object to invalidate the arguments of the hon. Member, but the question he wished to put was, why the information contributed by the hon. Member had not been procured from the servants of the Government, and why, if it ought to have been procured from the hon. Member, the matter had not been brought under the cognizance of Parliament. He disclaimed any design of casting an imputation on the hon. Member, but a sense of public duty compelled him to bring the matter before the House.

The *Chancellor of the Exchequer* must say, that when the hon. Member for Kilmarnock had been first employed by the Government, it had been by the direction of the right hon. Member for Harwich; that the next time that he had been employed was when the commercial relations between this country and France were under consideration. He had then been employed in conjunction with a gentleman, now her Majesty's Minister at the Court of Madrid, but then a Commissioner of Customs. It was not then considered derogatory to Lord Granville that those gentlemen had been sent out to perform particular duties. It had been for the purpose of following up the same course of inquiry with regard to commercial matters, that the hon. Member had been sent to Switzerland. With regard to the question of remuneration he could affirm that no sum whatever had been received for the Report; no sum had been received by the hon. Member, nor would any sum be received. If he pleased he might stop there, but he thought it right to add, that although the hon. Member had raceived no remuneration, yet he had received the amount of those expenses which he had incurred by travelling. These expenses had not, however, been arbitrarily awarded, but were dispensed according to the scale known in public offices and allowed to the Commissioners of Customs when travelling. The course of which his right hon. Friend complained was not only justified by former practice, but also by the proceedings of foreign governments. He himself during the last year had received several gentlemen deputed to this country by the government of France. So perfect was the analogy between their measure and that of the hon. Member for Kilmarnock, that it was a part of their duty on their return to France to publish in a book, or in other words, to make a report of the results they had arrived at. Such, then, was his answer to the complaints of his right hon. Friend, and he thought that he should lead the House too far astray if he were to go into the merits of the Report.

Mr. *Hume* thought that the right hon. Member for the University of Cambridge had been so accustomed to payment, that he thought no good report could be made unless it were paid for. He however could assure the right hon. Gentleman, that there was a great difference of opinion as to the competency of the British resident Ministers abroad. The right hon. Gentleman did not appear to know what had been the object of the Report of his hon. Friend the Member for Kilmarnock; that object had been to make known the state of a country in which no restrictive regulation on trades obtained—to make known the commercial state of Switzerland. The conclusions to which his hon. Friend had come were most valuable, and if his hon. Friend had not been paid, and was not to be paid, then his hon. Friend would be a most ill-used man. He asserted that the labourer was worthy of his hire. What conclusion had his hon. Friend arrived at? At this—namely, that under circumstances of great inconvenience in every branch of trade, Switzerland had been enabled to compete with every other, country, and to supply France, England the United States of North America, and indeed every country which had pretended by restriction to protect its trade. His hon. Friend had acquitted himself admirably, and had shown the absurdity of all restrictions. The document before them proved that, and it related to the only country which afforded materials for proving that. The right hon. Gentleman had alluded to the title of certain chapters in the Report. He thought the right hon. Gentleman ought to know how very necessary it was in a document of that nature to classify every kind of information, and thereby to simplify references. He did not think that the right hon. Gentleman had been quite fair—he would not say kind in his remarks. He thought that his hon. Friend notwithstanding there were British Ministers resident abroad, had done some service, and he was sorry that the right hon. Gentleman opposite had expressed in so decided a manner his opinion that the document in question was of little value.

Mr. *G. F. Young* said, that he would not follow the hon. Member for Middlesex in the line of argument he had adopted. He thought nevertheless, that the hon. Gentleman would have qualified his eulogy if he had reflected that any disciple of the restrictive system who might have been sent on a similar mission to that of the hon. Member for Kilmarnock, would have been equally successful in collecting facts in favour of his own theories. He did not think that either the right hon. Member for Cambridge or the hon. Member for Middlesex had met the objection of the right hon. Member for the University of Cambridge. That objection was founded on the constitutional jealousy with which that House had always regarded the payment of public money to it members, who, previously to receiving that money, did not vacate their seats. The right hon. Gentleman (the Chancellor of the Exchequer), had alluded to the practice approved of by the French Government; the right hon. Gentleman ought to have told the House, first whether the gentlemen whom he received were members of the French Camber of Deputies; and secondly, whether it was the practice in France, that members of the French Chamber of Deputies on assuming offices of emolument were returned to their constituencies. The system which the right hon. Gentleman had defended was one of which there could be no other more corrupt or more insidious.

Sir *Henry Parnell* considered the document in question as one of great value, because it put beyond doubt the fact, that where the principles of free trade were acted on, the greatest advantage resulted to the country. In Switzerland it was no theory, but the law of the country; and the result was, that for a long series of time the trade of the country had enjoyed the greatest prosperity.

Mr. *Kearsley* objected to the expense of an excursion of the hon. Member for Kilmarnock being paid out of the public money. He had no idea that the hon. Member should be allowed to take his pleasure at the expense of the country. The hon. Member for Middlesex talked of principle, and yet he would pay the hon. Member for Kilmarnock the expenses of his excursion out of the public money. They would shortly have an opportunity of seeing whether the hon. Member for Middlesex was right or not. The hon. Member for Dundee had pronounced a high eulogy on the Report. He (Mr. Kearsley) objected, first that it was paying for a wild goose scheme; and secondly, that the Report was moonshine. Why should the hon. Member have 500*l.* for going abroad and bringing home moonshine? He did not often agree with the Ministers, but he did agree with the right hon. Gentleman who had told the hon. Member for Middlesex that he was quite ignorant. Would the hon. Member go to Middlesex again, or to the boroughs—in God's name where would he go?

Mr. *Goulbourn* stated, that his right hon. Friend the Chancellor of the Exchequer had asserted, that the hon. Member for Kilmarnock had not been paid for his report; that he had been only paid his expenses *per diem.* But such a payment was as much a salary as an annual payment. The merit or demerit of the report was not the question before the House. The quetion was whether the hon. Member, being a Member of Parliament, should receive a payment not known to Parliament. The hon. Member might be intitled to it; but a payment received by a Member of Parliament should be either the subject of a vote in the first instance, or, after it was paid, should be in the civil contingences the subject of account. The matter ought to be in the control of Parliament.

Mr. *P. Thomson* said, it had been at his suggestion, or that of his department, that the hon. Member had been sent to Switzerland to make these inquiries. He admitted that it was the duty of the Foreign Ministers to procure all the information in their power with reference to commercial matters, and he could bear testimony to the able manner in which of late years, since he had been acquainted with the proceedings, they had fulfilled this duty, and the valuable information they had communicated in their returns. But every man must be aware that there were kinds of information which a Foreign Minister, however disposed had not the means of procuring—a fact which the Report in question illustrated. This Government had understood that Switzerland was disposed to join the commercial union of Germany. Was it possible to procure the requisite information from a Foreign Minister, who was confined to one place, and unable to visit the different cantons and manufactories?

He believed the course adopted had conduced to the public advantage.

Viscount *Palmerston* said, there were matters which Ministers abroad could not be so competent to inquire about as the hon. Member. Any matters that could be stated in answer to questions from Government could be furnished by Ministers in their official capacity; but when it came to inquiries into details of commercial matters, these could only be made by persons well acquainted with the subject.

Mr. *Wakley* objected as much as any member to persons receiving money for secret services. He went farther, and thought that all pensions received by persons in that House ought to be discontinued, unless for public services expressed, acknowledged, or rendered to the state. Would the right hon. Gentleman agree to a list of pensions paid to persons in that House, being laid before it? He believed the right hon. Gentleman received a pension of 2,000*l.* a-year. [*Oh! oh!*] Gentlemen might cry "oh," but it was a proper question when the right hon. Member disputed the payment of 500*l.* to the hon. Member for Kilmarnock. It was a salary. He repeated it was not of the character of expenses; it was a salary. The right hon. Gentleman had received 60,000*l.* of the public money during the time he was in office, and now he received a pension of 2,000*l.* a-year, to be paid as long as he lived. The House had a right to consider the propriety of relieving him from the disgrace and annoyance of receiving this pension.

Mr. *Goulburn* said, if the hon. Member wished to know the grounds of his pension, he would find his length of services, whether good or bad, recorded in public documents; and if he referred to the Act of Parliament, he would see the reason why he received the pension.

Mr. *C. Barclay* observed, that the hon. Member for Finsbury had said, that this was not a charge for expenses, but a salary; and the constitutional objection was, that a Member of Parliament was allowed to receive a salary, whereas if a Member took any office under Government of 10*l.* a-year, he lost his seat. Yet, here was a secret mode by which a Member, on giving in a report to Government, might receive a salary without vacating his seat. This he thought an unconstitutional mode. His right hon. Friend had a right to a pension by Act of Parliament, and he knew no person whose services better entitled him to one.

Vote agreed to. The House resumed.

HOUSE OF COMMONS,

Saturday, June 24, 1837.

MINUTES.] Bills. Read a first time:—Sugar Duties.—Read a second time:—Bankrupts (Scotland.)

Petitions presented. By Mr. HUME, from Enfield, to rate the Proprietors of small Tenements.—By Sir ANDREW AGNEW, from Coach Proprietors, and others, for the better Observance of the Sabbath.

HOUSE OF LORDS,

Monday, June 26, 1837.

MINUTES.] Bills. Read a third time:—The Shire Halls; Pillory Punishment Abolition.—Read a second time:—Mistakes Act.—Read a first time:—Foreign Officers.

Petitions presented. By the Earl of BURLINGTON, from Yorkshire, for the abolition of Church-rates, and for the better Observance of the Sabbath.—By the Earl of HADDINGTON, from Glasgow, against railway travelling on the Sabbath in Scotland.

ANSWER TO THE ADDRESS.] The Duke of Argyll, Lord High Steward, read the answer of her Majesty to their Lordships Address of Thursday last, as follows:—

"VICTORIA, R.—I have received, with lively satisfaction, your dutiful and affectionate Address.

"The sorrow which you express at the death of the late King, and the testimony which you bear to his virtues, entirely accord with my own feelings.

"I return you my thanks for the expression of your loyal attachment to my person; and I fervently join in your prayer to Almighty God, that he may strengthen and direct my councils."

EDUCATION AND CHARITIES BILL.] Lord *Lyndhurst* was desirous to put a question to his noble and learned Friend opposite with reference to the Bill introduced by him on the subject of Education and Charities. His noble and learned Friend must, he thought, perceive that it was utterly impossible that such a measure could receive due consideration in the other House of Parliament, looking to the late period of the Session, and the business which was still to be got through there. He, therefore, wished to know whether it was the intention of his noble and learned

Friend to persevere in bringing forward his Bill or not?

Lord *Brougham* was not insensible to the justice of the observation made by his noble and learned Friend. He believed, that in the present state of the Session, and seeing that, in consequence of the situation in which they were placed, many matters of much importance had been postponed till next Session, and others connected with the public service were to be hastened forward as speedily as possible, any Bill which was likely to create such opposition as would detain it long in their Lordships' House would have very little chance of being sent down to the other House in time to be passed. Therefore, if he thought that his Bill would create so much discussion as would render it too late to be passed in the other House, he should be willing to abandon it. But this Bill consisted of two parts, one of which he conceived was not likely to give rise to much discussion. He ought, perhaps, to state distinctly to their Lordships that the Bill consisted of two branches — first, the creation of a new department in the State, a department which, he believed, it was admitted on all hands was greatly wanted. He meant a department of Public Instruction, as it was denominated in France, and which in Ireland was called a Board of Education. That department it was proposed to invest with such powers as would enable it to extend education throughout the country, to plant schools, to bestow properly those funds which might from time to time be afforded by Parliament in aid of this most important object, and to superintend the distribution of such other funds as might be raised by local taxation for this purpose. There was also a second branch to this measure, which he believed would give rise to more discussion than he would fain hope the first part was likely to create. That branch related to the jurisdiction which was to be confided to the same board over the charity funds already in existence. Though little opposition might be offered to the first and fundamental part of this measure, he was much afraid that such would not be the case with respect to the second portion of it, to which he admitted, great consideration ought to be given. Now, if he could flatter himself that the first part of the Bill would receive the concurrence of their Lordships in good time, he would postpone the rest of the measure till next Session. It would gratify him if their Lordships consented to pass one of the most important measures — as was admitted by all parties—that was ever introduced to Parliament. They had stopped one very important measure which had come up to them from the other House of Parliament; and they would, in some degree, redeem their character, if they passed at least one important measure, although they had not been enabled to do more.

Lord *Lyndhurst* said, that the portion of the Bill which the noble Lord wished to proceed with would require, in his opinion, a great deal of discussion. To several clauses he felt serious objections; at the same time he did not mean to oppose the measure altogether.

Second Reading postponed.

HOUSE OF COMMONS,

Monday, June 26, 1837.

MINUTES.] Bills. Read a third time:—Dublin Police.—Read a second time:—Sugar Duties; Tithes Commutation Act Amendment; Parliamentary Electors; and Limitation of Actions.

Petitions presented. By Mr. HUTT, from the Mayor and Corporation of Hull; and from the Guardian Society of Hull, in favour of Mr. Rowland Hill's system for managing the Post-Office.—By Mr. GALLY KNIGHT, from a parish in Nottinghamshire, against the Irish Tithe Bill.—By Lord JAMES STUART, from the Corporation of Irvine, and of Newtown-upon-Ayr, against certain clauses in the Municipal Borough (Scotland) Act.—By Mr. WILKS, from thirty-three Baptist congregations in Bedfordshire, for the immediate abolition of Church-rates; that the *regium donum* should be discontinued; and that the surplus revenues of the Irish Church might be applied to the purposes of education.—By Mr. HODGES, from Rochester, for the abolition of Church-rates.—By Mr. T. DUNCOMBE, from St. Luke's, for the repeal of certain clauses in the Poor-law Act.—By Mr. PLUMPTRE, from Derby, against the grant to the College of Maynooth; the Irish Tithe Bill; and the appropriation of Church Funds to any other than Church purposes; also one for the exclusion of Roman Catholics from that House.—By the ATTORNEY-GENERAL, from Edinburgh, for the better Observance of the Sabbath.

POLICE MAGISTRATES.] Mr. *Hawes* begged to be informed, whether the noble Lord, the Secretary of State for the Home Department, had had his attention drawn to the two cases which appeared in *The Morning Chronicle* on the 16th of the present month, in one of which it was represented that a police magistrate, by some of the papers said to have been in a state of intoxication, had given a gentleman in custody who was subsequently discharged. Being engaged on a Committee appointed to inquire what alterations were necessary to be made in police-offices, he was most anxious on this point. The other case which appeared in the same paper was, where the chief magistrate of Bow-street had suspended the execution of a warrant in the case of felony, the consequence of which was, that the individual had not been taken into custody, the magistrate himself becoming personally responsible for his appearance. The hon. Member wished to know, whether the noble Lord's attention had been called to these cases, and whether he had thought proper to institute proceedings to protect the public.

Lord *J. Russell* said, that with respect to the first case he had made inquiries upon the subject, but finding that it was probable that an action would be brought, he thought it would be unfair to give any answer to the hon. Member until the case had been investigated in a court of law. With respect to the other case, of defacing a statute, upon inquiry he had found that Sir F. Roe, having no doubt, from the circumstances of the party who had been accused of the transaction, that he would appear and answer the charge, had adopted the course he had pursued in the present instance. He was asked to back the warrant of the local authorities, which he had done, but had not required bail when the party was taken. He believed, that such a course was not uncommon when it was certain that the party would appear.

CHURCH LEASES.] Mr. *Goulburn* wished to have some reason given by the noble Lord, why he persevered in the nomination of the Church-leases Committee when he had postponed the other public business. Such a course was at variance with the arrangements the noble Lord had made.

Lord *John Russell* said, all he had done was to have the order of the day read for the appointment of the Committee; and all he had to state was, that the House had ordered a Committee to be appointed. This resolution was carried in a very full House by a majority of eighty-three, and he would have proceeded immediately on the next day to have named the Committee if he had not been desirous to have some time, in order to consult hon. Gentlemen whether they would consent to become Members of the Committee. He did try several, among whom were the right hon. Gentleman, the Member for the University of Cambridge, the right hon. Baronet, the Member for Tamworth, the hon. and learned Member for Exeter, and the hon. Member for Oxford University, all of whom had declined to have their names attached to that Committee. The right hon. Gentleman, the Member for the University of Cambridge seemed, from what he had just stated, to wish to know why, as the general business of the House was to be postponed, it was advisable they should proceed with the appointment of the Church leases Committee. His answer to that inquiry was, that he thought it would tend, on the whole, to save time with respect to any measure they might hereafter adopt. He could not anticipate, after the vote of so large a majority of that House, and the attention which had been directed to this subject by the public, that some measure would not be ultimately adopted. It did appear to him necessary there should be a Committee appointed at once, so that they might have a course of examination on the subject rather than delay it till the commencement of the new Parliament, because they might then have to wait two or three months for returns, which, if the Committee were appointed, could be ordered at once, and therefore would be ready next Session. He did not wish to have the Committee appointed for the purpose of entering into controverted points, but for that of getting information, and in proposing the Committee, he begged leave to move that Mr. Chancellor of the Exchequer be a Member of it.

Mr. *Goulburn* said, that the surprise with which he had first learned the noble Lord's intention of moving the nomination of this Committee had not been lessened by the observations which the noble Lord had just made. The noble Lord said, he pursued this course, not with a view of adopting any proceedings in this, but in the next Parliament. Now, in the first place, hon. Members who were nominated on this Committee, might not be Members of that House in the next Session of Parliament; and secondly, any decision that this Committee might come to could be overturned by the Committee of next Session, should the House consent then to its revival. Moreover, any orders that the present Committee might issue would be powerless as soon as the present Parliament terminated, and the parties on whom such orders might be served would not be liable to the least censure if they forbore giving the requisite information. Therefore, so far as regarded the acquiring of information for a Committee that might sit hereafter, the proceeding of the noble

Lord would prove altogether abortive. He could not suppose it to be the object of the noble Lord to bring before the Committee specific evidence which might be already prepared, with a view of letting it go forth to the country; because, if he understood the object of the Committee, it was, that there should be a fair inquiry into facts essential to be known in order to form a proper judgment upon the scheme proposed by Government. But if this Committee were to be now appointed for the purpose of receiving evidence already prepared, of giving *ex parte* statements to the public with the view of making an impression during the interval that would take place between the present and the new Parliament—if, he said, that were the principle on which it was proposed that the Committee should now meet, he was certain it was one—whatever might be the opinion of the House as to the appointment of that Committee—which no fair or candid man was prepared to sanction. It would be only laying before the public a one-sided view of the question, which he was sure was not intended should be done by the majority of those who voted for the Committee. He must, therefore, solemnly protest against a course which was quite unnecessary for the purposes of any future inquiry, and which could have but one object, that of producing a partial investigation in order to create an impression which ought not to be created upon any subject, and least of all upon one which affected so large a mass of private property as this. He had no objection to the names, but he could not forbear entering his protest against a proceeding of so partial a nature, and so contrary to the principle laid down on a recent occasion by the noble Lord.

The Committee was nominated.

SUPPLY — MISCELLANEOUS ESTIMATES.] The House in a Committee of Supply, on the Miscellaneous Estimates.

Mr. *Goulburn* took the opportunity of calling attention to the fact of all the large trees at the Bayswater side of Kensington-gardens having been cut down. These gardens were a place of recreation to the inhabitants of London, and although the young trees which had been substituted might appear very pleasing in the eyes of a planter, they did not at all so in those of the public. He had been told they were old—old they were, no doubt, but they were not decayed. Unless some restraint were put upon those who had the management of these gardens all the large and majestic trees which remained might be cut down for the same reason, namely, that they were old.

Mr. *Methuen* said, that before these trees had been cut down last year, out of about 100, there was not, he believed, one which, if not absolutely dead, was not in a dying state. Some of them, too, had been blown down by the wind.

Mr. *Hobhouse* observed, that when he was at the head of the Woods and Forests, he was assured by the gentleman who had the charge of these gardens, that it was essentially necessary that the greater part of these trees should be removed.

Several votes were agreed to.

On the question that a grant of 100,389*l.* to defray the charge of the salaries of her Majesty's consuls-general, consuls, and vice-consuls, and of the superintendents of trade at Canton; also of the contingent expenses connected with their public duties, be made to her Majesty.

Mr. *Hume* objected to that part of the grant apportioned to defray a moiety of the expenses for chaplains and chapels for British subjects abroad.

Sir *R. H. Inglis* held, that it was the duty of the Queen to provide for the means of religious instruction for all her subjects, into whatever part of her dominions they were sent on the public service.

Lord *Sandon* wished to call the attention of her Majesty's Ministers to the manner in which the consuls abroad attended to their duties. He wished also that they would take means to put the navigation and commerce of the country on a better footing than it now stood with regard to Spain, where such high duties were levied, that they amounted almost to a prohibition of our trade with that country.

Mr. *Poulett Thomson,* in reference to the first topic, replied, that the matter was under consideration. With regard to the second question, there had long existed just grounds of complaint, and he had hoped that our navigation and commerce would have been relieved from the difficulties referred to by the noble Lord long before this. It was in that hope that the Government of this country had hitherto refrained from having recourse to any retaliatory measures. He could only say now, what had been stated before by the noble Lord, the Secretary for the Foreign Department, that negotiations were going on, which, he believed, would lead to a satisfactory result.

Mr. *G. F. Young* complained, that this question, which was one of vital importance to British trade, had remained unsettled so long. Three or four years had elapsed since he brought it under the attention of the House, and things remained in the same state still. It was then said, that the political state of the country was so distracted, that nothing could be done. Her Majesty's Ministers might go on in that way till doomsday. He thought it would be better for them to name some definite period, say two or three months, and if, at the end of that time, their negotiations had not the desired effect, then let them have recourse to measures of retaliation. Such a declaration would materially quicken the disposition of the Spanish Government to fulfil the hopes entertained by the right hon. Gentleman, the President of the Board of Trade. The high discriminating duties imposed by the Spanish Government had almost destroyed the British trade to that country.

Vote agreed to.

A grant of 9,953*l.* for the charges of the salaries, &c., of the inspectors and superintendents of factories, appointed under the Act of 3d and 4th William 4th.

A grant of 5,800*l.* to defray the salaries and expenses of the inspectors of prisons, appointed under the Act of 5th and 6th William 4th, cap. 38.

Some conversation arose on the report of the inspectors.

Mr. *Hawes* said, the alterations which had been made in Newgate were not considered by the inspectors to be improvements.

Lord *John Russell* said, the most gratifying part of the report was that which stated that an alteration was proposed to be made, so that all untried prisoners could be kept in separate cells. He feared, however, that it could not be carried into effect, unless the present building were pulled down, and a new one erected.

Mr. Alderman *Wood* defended the conduct of the city authorities. He thought they had done every thing that could be done; and he expressed his surprise that the hon. Member for Lambeth, who was himself a citizen and the son of a citizen, should be continually attacking the government of Newgate, while he never ventured to say anything of Horsemonger-lane gaol, with which he was more immediately connected. He recommended his hon. Friend to turn his attention to that quarter.

The following votes were then agreed to:—

A grant of 51,840*l.* to defray the expenditure for the several branches of the Mint.

A grant of 79,334*l.* for allowances or compensations to persons formerly employed in the public offices or departments, or in the public provisions of the Acts.

The following votes were agreed to without observation:—

10,000*l.* for relief to Toulonese and Corsican emigrants, Dutch naval officers, St. Domingo sufferers, American loyalists, and others, who have hitherto received allowances for services performed or losses sustained in the British service.

1,850*l.* to defray the expense of the national vaccine establishment.

3,000*l.* in aid of the Refuge for the Destitute.

3,073*l.* for confining and maintaining criminal lunatics in the buildings attached to Bethlehem hospital, for the year 1837.

On 4,600*l.* being proposed to pay the usual allowance to the Protestant Dissenting ministers in England, poor French refugee clergy, &c.,

Mr. *Baines* objected to that part of the grant which applied to the Dissenting clergy, upon the ground that it was not acceptable to the persons who received it. Many of the petitions sent up to that House praying for the abolition of Church-rates, had prayed at the same time that this grant might be discontinued, though the parties petitioning were Protestant Dissenters themselves. The Dissenters objected to the vote, upon the ground that if they deemed it unreasonable, that they should be called upon to pay Church-rates, because those Church-rates were applied to the support of an establishment of which they did not altogether approve, it was not very consistent that they themselves should be receiving the benefit of a grant which came in a great degree from the members of the Church. Upon that ground, he believed, it would be more acceptable to the Protestant Dissenters generally, if the grant were wholly discontinued. It was true, that Dr. Pye Smith, an eminent Dissenting divine, approved of the grant, and desired to see it continued; but he did so, because it came originally out of the privy purse of George 1st. Now it came out of the Consolidated Fund. Therefore, if the grant were put to the vote, he should oppose it, not from any distrust of the persons in whose hands it was placed, and by whom it had always been admirably administered, but because it was not consistent with the principles generally maintained by those in whose behalf it was continued.

Sir *Robert Inglis* contended, that there was no connexion whatever between the question of Church-rates and the vote now under consideration. The hon. Member for Leeds wanted a little gentle violence to be applied by some hon. Member on that side of the House proposing to negative this vote; but they understood his tactics too well to be likely to assist him in that manner. He did not think there was any reluctance in the Protestant Dissenting ministers, or in the body generally receiving this grant, and he, for one, was in favour of its continuance.

Mr. *Baines* assured the hon. Baronet that he was mistaken; the ministers of the three denominations did not approve of it.

The *Chancellor of the Exchequer* believed, that the Dissenters were very much divided in opinion upon the subject. He certainly did not see why it should be discontinued as long as it was found to afford a substantial and welcome relief to many aged and respectable men. If there were any conscientious objection to the grant, the remedy lay with the Dissenters themselves, since it was not compulsory upon any man to receive a fraction of the bounty, unless he were fully disposed to do so.

Mr. *Hindley* thought that the vote rested upon a wrong principle, and ought, therefore, to be discontinued. If the Dissenting clergy needed relief, the Dissenting body were rich enough to support them.

Sir *Edward Knatchbull* supported the vote. He did not think that the hon. Member for Leeds (Mr. Baines) was authorised in stating that the grant was objected to by the majority of the Dissenting body. In the part of the country with which he was connected, he knew that it was gratefully received by many most excellent and respectable men.

Mr. *Samuel O'Brien* only wished that the feeling which prompted this vote were extended to Ireland, and that something of the same kind might be done for the poor clergy of the Roman Catholic church in that country.

Vote agreed to.

On a vote of 8,928*l.* for the Roman Catholic College being proposed,

Colonel *Perceval* protested against such a perversion of the public funds, and denounced the grant as a premium upon sedition and agitation.

Sir *Robert Bateson* protested against the grant, and attributed the disorders of Ireland for the most part to the fatal system of education which prevailed in Maynooth. Constituted as that college was at present, such a grant would be worse than a waste of the public money.

Mr. *S. O'Brien* considered that the principal objection to the grant was, that it was so small. It was disgraceful that so miserable a pittance should be doled out to the Catholic priesthood, and he thought that the Catholics, as free subjects of this empire, had an equal right with their Protestant brethren to the support and protection of the state for their clergy.

Viscount *Sandon* concurred with the last speaker in thinking some general provision for the Roman Catholic clergy advisable, but the question at present was this particular grant. It was admitted on all hands that the system pursued at Maynooth was extremely bad. However, though he objected to the system, he did not think that under present circumstances we ought to abandon the grant, and he should therefore, not oppose the Motion. He could not, however, but feel astonished at seeing no opposition to this vote upon the other side of the House. He should have expected to see whole benches of hon. Members starting up and declaring that they could not think of wounding Protestant consciences, by subjecting them to a payment for Catholic priests, inasmuch as they loudly protested, on the part of the Catholics, against being burthened with any payments for the support of a Protestant clergy. He repeated, that he was surprised at the torpor which seemed to have overpowered hon. Members opposite upon this occasion. If their senses had not been steeped in forgetfulness, he felt confident that they would have rushed forward to protest with one voice against such an invasion of the rights of conscience.

Mr. *Hume* expressed his wish that the vote should be withdrawn, as it had met with so much opposition from the members of the Church of Scotland.

Dr. *Bowring* expressed his opinion that the House should not contaminate itself with any grants for religious purposes.

Lord *Clements* said, that if claims were founded on antiquity, those of the Roman Catholics would be the most valid. He did not mean to say that the Roman Catholics of Ireland would refuse the assistance which the House was about to offer them; but he would say, that it was indeed a pity that a sum so trivial should appear for such a purpose on the estimates of the House—a sum which, in his opinion, amounted to no more than a mock liberality.

Sir *George Sinclair* remarked, that it was in consequence of the enormities which had been perpetrated in Scotland by the adherents of the Popish faith that that country had been induced to consider the prevalence of that creed its curse and bane; and he hoped that the voice of the country would always be raised against such a system of religious belief.

Mr. *Callaghan* stated, that the clergy of the Church of Ireland were as sincere in their love of their country as any hon. Gentlemen opposite. Let hon. Gentlemen bring forward the subject on a broad basis, and then they would see if the exclusive system was or was not supported in Ireland.

Mr. *Borthwick* observed, that he knew nothing of the opinions entertained by the clergy of Ireland but through the newspapers. He would, however, affirm, that the conduct of the clergy of England in political matters was quite irreproachable.

Mr. *Plumptre* declared, that he could not reconcile himself to the voting away of public money, for the support of religion the principles of which he believed to be erroneous; he should therefore divide on the Question.

The Committee divided:—Ayes 52; Noes 12: Majority 40.

List of the AYES.

Baines, E.
Bernal, R.
Bowes, W.
Bowring, Dr.
Brabazon, Sir. W.
Brotherton, J.
Callaghan, D.
Chalmers, P.
Chichester, J. P.
Clements, Visc.
Colborne, N. W.
Dennistoun, J.
Ebrington, Visct.
Elphinstone, H.
Ferguson, Sir R.
Gordon, R.
Grey, Sir G.
Harland, W. C.
Hawes, B.
Hay, Sir A. L.
Howick, Visct.
Hume, J.
Jackson, Serg.
Lambton, H.
Lemon, Sir C.
Macleod, R.
Morpeth, Visct.
Murray, J. A.
Musgrave, Sir R.
O'Brien, W. S.
Ord, W.
Parker, J.
Pechell, Capt.
Pinney, W.
Ponsonby, J.
Potter, R.
Power, J.
Rice, T. S.
Russell, Lord J.
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Stuart, R.
Thomson, C. P.
Thompson, Col.
Thornley, T.
Tooke, W.
Willbraham, G.
Williams, W.
Williams, W. A.
Wood, Ald.
Young, G. F.

TELLERS.
Baring, F. T.
Woulfe, Serg.

List of the NOES.

Bateson, Sir R.
Bell, M.
Egerton, Sir P.
Gladstone, W.
Hamilton, G.
Hinde, J.
Inglis, Sir R.
Mackenzie, T.
Perceval, Col.
Rushbrooke, R.
Sinclair, Sir G.
Tyrrell, Sir J.

TELLERS.
Plumptre, J.
Borthwick, P.

The other items were agreed to. House resumed,

Report to be received.

HOUSE OF LORDS,

Tuesday, June 27, 1837.

MINUTES.] Bills. Read a third time:—Sheriff's Courts Scotland.—Read a second time:—Right of Presentation Ireland.—Read a first time:—Dublin Police.

Petitions presented. By the Duke of RUTLAND, from Leicestershire, against the abolition of Church-rates.

A conference was held with the Commons, to communicate to them their Lordships' reasons for insisting on their Lordships' amendment to the Municipal Corporations Act (England) Amendment Bill.

POOR-LAW. PETITION.] Earl *Stanhope* said, after an absence of some years from that House, an absence not occasioned either by indolence or by inattention to public measures, he now came forward to Parliament, not, he owned, without some apprehension, to present a most important petition. Having observed the concurrence of men who differed greatly in their political opinions—having observed them to concur with reference to measures that were of the most pernicious tendency—having observed them give their support to measures which had produced all the difficulties and dangers which now beset the country, and, as there appeared no hope that Parliament would redress the grievances complained of—as he saw no reasonable expectation that any proposition for that purpose would be favourably received, or would even be impartially considered, he thought it useless, and worse than useless, to attend Parliament any longer. He preferred leaving the business of legislation to those who had the entire, undivided, and undoubted responsibility of all those measures that had produced the misery and confusion which now prevailed in the country. It would have been useless for him to have attempted anything, because he well knew that he should not have received any sufficient support. Such was the disgust which he felt at the delusion and party spirit that prevailed—such were the feelings of despondency with which he then viewed, and with which he still continued to contemplate, the future prospects of the country, that he would not have consented to return to that House had he not been desired to do so by large bodies of his countrymen, whose interests he was anxious to defend, and whose rights he was determined to support. It was peculiarly his duty to do so, and to act in that House as the representative of the labouring classes, for they were not represented in the House of Commons. He considered it to be a distinguished honour to be intrusted with a petition from the West Riding of the county of York, a district with which he was altogether unconnected, and which he had not visited for thirty years. The petition came from a meeting which was unexampled for the numbers who attended it, and certainly was unequalled in its political tendency. He understood that not less than 250,000 individuals attended that meeting; and according to the opinion of some military persons (and they were, of course, the most competent to judge) that meeting consisted of nearly 300,000 persons. All of that immense mass were actuated by the most perfect unanimity, and they preserved the utmost order and regularity in all their proceedings. They evinced great judgment and discretion in abstaining (although there was great inducement for them to act otherwise) from adopting or discussing any matter not immediately connected with the subject brought before them. But the meeting was not important merely from the immense numbers that attended it, nor even with reference to the subject that was brought forward, coming home, as it did, to the business and bosoms of all. But that meeting derived its interests from the spirit which was manifested by all—it derived its interest from other circumstances also to which he wished to call their Lordships' attention. He would read an extract from a letter which he had received, and which was written immediately after the conclusion of the meeting. The writer there said, "We have shown them what we can do peaceably: but we shall meet no more in that way—when we meet again we shall present a different aspect." This was the only petition which had been sent from any meeting of the West Riding of the county of York, and he could assure their Lordships that he spoke with all the sincerity of his heart when he said, that though he felt it to be his duty to present and to support this petition, he regretted that it had not devolved on some person whose abilities were more equal to the task than his. It was his intention to confine himself to such remarks upon general principles as the present state of the law and the present state of the population of the country appeared to demand. Resolved to abide by the rule which he thus prescribed to himself, he should abstain from bringing forward any individual cases, though he could produce innumerable instances, which could be substantiated upon oath, to show the grievous cruelties, the flagrant injustice, the intolerable oppression, that had been practised under the so called Poor-law Amendment Act, and in all human probability would continue to be practised under it, so long as that statute remained in force. Reserving, then, to himself the right at any future time of entering into the whole or any part of that most important and extensive subject, he would on the present occasion say nothing with respect to one of the worst, perhaps the most immoral, enactment of the whole measure; neither should he then say anything of the insufficient medical relief which the law allowed; he should for the present leave that to remain the subject of inquiry with the Committee of the House of Commons now sitting—a Committee whose inquiries would not, he apprehended lead to a Report that would prove satisfactory to any party. That Committee, as their Lordships must be aware, had been appointed to inquire into—what? the principle upon which the measure was founded? No such thing, but into the manner in which the law had been administered. They were not authorized to institute any inquiries of any sort or description into the principle of that most odious and oppressive law. Of what value, then, could the report of such a Committee prove?—of what possible weight or value could the verdict of a packed jury prove under any circumstances?—of what authority or influence could be the proceedings of any court in which four-fifths of the jury were known to be favourable to one view of the case? The Report of that Committee would be drawn up by those who must be regarded in the light of a packed jury, and who in addition to their known prejudices were resolved to take their evidence, not from the parties aggrieved, but from those new viceroys who had been invested with despotic power; their testimony and that of their assistant-commissioners formed the evidence that was received. If the tools, the instruments of the Commissioners, were to be the witnesses, what show even of justice could be maintained? What could be hoped from such an inquiry, if that were the course pursued, instead of allowing his hon. Friend, who had so well deserved the gratitude of the country for the humanity and the patriotism with which he devoted himself to the cause of the poor, to bring forward evidence for the purpose of substantiating the statements he had made? nstead of that, the Committee directed their inquiries to other matters, which, so far from bearing upon, were perfectly distinct from the subject matter of his statements. The object of the Committee ought to have been to arrive at general results, whereas, judging from the course they had taken, it would appear that their purpose was to exhaust the patience and faculties of all concerned, and to bring the inquiry to a premature conclusion. Such a specimen of the collective wisdom—

The Earl of *Radnor* rose to order, observing that it would be clearly a breach of the courtesy which one branch of the Legislature owed to another, thus to discuss proceedings of which they possessed no official knowledge. Nothing could be more irregular than canvassing the proceedings of the House of Commons.

Earl *Stanhope* was perfectly in order. The proceedings of the Committee were on the table of the House. [The Earl of *Radnor* denied this.] He wondered how the noble Earl could be ignorant of the substance of that evidence. Had he not read the newspapers?—was he not aware that there were serious debates both in the Committee and in the House of Commons itself as to the publication of the evidence from day to day? But as he said at the outset, it formed no part of his intention to occupy the time of the House with mere matters of detail; he should rather proceed, as in the first instance he undertook to do, with adverting to broad and general principles. The first great principle of the Act was the establishment of a triumvirate, or rather dictatorship, unknown to the constitution of England, and inconsistent with public liberty. It was a power more formidable than had ever been exercised in this country—a power as unjust and far more oppressive than that of the Star Chamber. The power of which he spoke was conferred by the 15th clause of the Act, which gave to the Commissioners authority to make regulations which were to be binding upon his Majesty's subjects, and which it would be a misdemeanour to infringe. Then a subsequent clause gave to the Commissioners the power of forming unions with limitation as to territorial extent, and authority, not only to create new, but to dissolve existing, unions. Thus was a power conferred upon the Board of enforcing, nay of enacting, rules and regulations, of which Parliament not only had no knowledge, but which were not even in existence at the passing of the Act. Now, what conferred upon Parliament the right to delegate its own power to any body of men whatever? He was prepared to maintain, that it was not competent to Parliament to invest another authority with the power of forming rules and regulations which were to have the force and effect of the statutes of the realm. On this ground, then, he should say, that an Act of Parliament conferring these powers was so inconsistent with the acknowledged principles of the constitution, that he did not hesitate to describe it as illegal, as invalid, and as destitute of any claim to obedience. Our ancestors had, with unexampled constancy and courage, resisted their lawful sovereign in his attempts at the establishment of arbitrary power, and he yet trusted that a spirit would arise amongst us which would save their posterity from the disgrace of submitting to the despotism of an authority the least qualified to be made the depository of any power. He hoped that Englishmen would be awakened thoroughly to a sense of the evils, the injustice, the extreme cruelty, of permitting such a power to be exercised over any class of the community, but, most of all, over the working classes, who, far beyond others, were entitled to the protection, and even the favour, of Parliament. His noble and learned Friend behind him (Lord Wynford) had, as their

Lordships must recollect, taken an active part in the proceedings of that House on the subject of the Poor-law Amendment Act, as it was called, and his strong opposition to the measure must also be fully recollected. On one occasion he spoke of it in these words:—"It is impossible to contemplate a more complete system of grinding slavery than this Bill will subject the poor of this country to. They must eat, drink, sit, sleep, or work at the bidding of the Commissioners. They will hardly be permitted to breathe the air, or enjoy the light, without their permission." Again, his noble and learned Friend said, "Pass this Bill, and the poor of this country will become more complete slaves than were the villeins who formerly existed in England, or than the slaves in the West Indies. The poor have no representatives, they look to your Lordships for protection. It is our first and highest duty to defend them against oppression and wrong. Your Lordships' dignity, and power, and influence in the country depend on the poor being satisfied that you faithfully and vigilantly discharge this duty." This Bill, as the House must remember, was introduced, and supported, and carried by an Administration professing Whig principles, and professing, also, the most tender regard for the liberties of the people. Strange to say, it was at the same time supported by those who professed Conservative principles, and this would appear to him one of the most extraordinary and unaccountable occurrences that had ever taken place, if he did not know that in political life the professions made were the direct contrary of the conduct pursued, and he did not scruple to say, that the conduct pursued on this occasion was as grievous and oppressive as could possibly be imagined; it was as great an act of tyranny as if an Administration succeeded in inducing a complying House of Commons to abolish the Habeas Corpus Act, for such abolition would not be more unjust, it would certainly be far less injurious, than the arbitrary rule of the Commissioners over the poor and unprotected. It was an Act under which no labouring man could feel himself safe, whatever might be his industry, his frugality, or his good conduct. His being reduced to destitution was frequently, he might add most frequently, no fault of his. A change in the circumstances of the country putting an end to the demand for his labour, the bankruptcy of his employer, an endless variety of circumstances, over which he could have no control, might reduce him to the condition of a pauper, and subject him to the tender mercies of the Commissioners. There were many amongst the supporters of the Act who often raised their voices in praise of the advantages of self-government, but yet that measure proceeded upon a principle directly the reverse, for it divested the rate-payer of any authority in the expenditure of the money which he himself contributed to the maintenance of the poor, and, proceeding upon a stern principle of centralization, contrived that all power should be taken away from those, who by means of local and personal knowledge were likely to exercise that power in a manner the most advantageous to the public at large, as well as to the poor. So far from the rate-payers possessing a shadow of power or jurisdiction, no human being had the least authority or control excepting those who derived it from the Commissioners or their subordinates, and in order to render this power as complete as possible, the 46th section of the Act gave to the Commissioners the fullest possible power to appoint and dismiss all paid officers. He need hardly remind their Lordships that at all times the workhouse system was considered one of extreme privation, and yet the promoters of the measure to which he was referring appeared to have thought that the purpose of carrying that measure was advanced by representing the old workhouses as scenes of luxurious enjoyment, where the paupers passed their time in ease and indolence; but those who made those assertions, appeared to forget that in those days the parishes taxed themselves. Now, though it was perfectly true, that the money was not always well expended, it would be absurd to suppose that the rate-payers imposed undue burthens on themselves, or consented to the payment of more money than was necessary. Surely, if the workhouses had been such luxurious residences as they were represented, the doors of the overseers would have been thronged with applicants demanding to be admitted to all the advantages which those establishments afforded; but what was the fact?—why, at no assignable period did there exist the least ground for supposing that the people had ever regarded those workhouses otherwise than with the utmost repugnance, and as the worst possible place to which they could have recourse. They had frequently been told, that the situation of a pauper in a workhouse was, and ought to be, worse than that of an independent labourer. On that point, he should observe, that no one who knew anything of the labouring population of this country would suspect any man of being unwilling to work unless he was incapable, and he did not hesitate to affirm, that a man unable to work possessed an undoubted right to those comforts, at the expense of the public, in a workhouse which he might have enjoyed in his own dwelling. On the subject of the alleged idleness of paupers, he should add this remark, that the offence was of rare occurrence, that the law of Elizabeth was sufficient for its punishment, and, if duly enforced for its prevention; it consigned paupers convicted of idleness to the common gaol. From his own experience of the humble classes of this country, he should say, that idleness amongst them was a fault of very rare occurrence, and that the whole number of idlers in England was very small. He had been in the habit of employing labourers for upwards of twenty years, and within that period the number he employed was very considerable. No doubt he found great difference as to the skill possessed by different individuals, but in no instance had he been under the necessity of discharging a labourer on the ground of idleness. Speaking generally of the workmen whom he employed, he should say that they received employment gratefully, and as a gift for which they could render no equivalent; on this point, he begged to set his own experience against that of Dr. Kay, as well as against that of Mr. Tuffnel, the viceroy of Kent. Dr. Kay had very distinctly and very candidly acknowledged that the purpose of those concerned in the management of workhouses had been to render them as like prisons, and in every respect to make them as uncomfortable, as possible. That appeared to be a frank avowal, but yet it fell short of the fact, for the workhouses were inferior to the prisons provided for the confinement of malefactors. A right rev. Prelate, whom he then saw in his place, had asked on a former occasion, by what right were those unfortunate paupers confined within workhouses, and prevented from attending divine worship on Sundays? The question had been fairly and pertinently put, yet without sufficient comprehensiveness—Why limit the inquiry to Sunday, why not at once ask, as he did, "By what right do you confine them on any day of the week?" He did not overlook the fact, that there was an allegation to the effect that no confinement did prevail; that the condition of the paupers remaining in the workhouse was, that they should not quit its walls until they were in a condition to provide for themselves. So it was; and then they were to choose between confinement on the one hand, and death by starvation on the other. Was any noble Lord, he would ask, prepared to say that Parliament possessed the right of offering to the poor such an alternative? What right had they to say to a man accused of no crime—"You must be a prisoner, or you must starve." Such a mode of dealing with our fellow-subjects was not only not according to law, but clearly in opposition to every principle of justice; and he should repeat that the act was illegal and invalid, for amongst its other enormities, it went to create and aggravate the very evils it proposed to remedy. Under it a man's property was, he would suppose, seized and sold—he had no longer house or home—he could not avail himself of any employment that might offer, and then the Commissioners sent him to one of their new prisons, because he proved unable to accomplish the impossible task of providing for his own subsistence. In that prison he must remain for life, or become burthensome, or perhaps dangerous, to the community. The effect of the law had been that the country swarmed with vagrants, and, considering their condition, it did them great credit that they had not yet become housebreakers or highway robbers. The condition of the labourers of England was fast approaching that of Ireland, where, according to the doctrines of the political economists, the most perfect system prevailed—where no one had a right to claim relief, where all were allowed to go about the country and obtain such casual assistance as fortune threw in their way. Could it be any wonder, then, if crime became frequent when no greater penalty attached to its commission than fell upon those who were accused of no offence? Never yet had there existed a country capable of enjoying happiness under such a state of things; never yet had he heard of a community in which poverty was treated as a crime, in which every principle of humanity was trampled under foot, or in which the divine precepts so strenuously enjoining charity were set at nought. The title of the Act described it as one for "the Amendment and better administration of the laws relating to the poor in England and Wales." It ought to have had for its title "a Bill for abolishing all relief for the poor of England and Wales," for the measure as it stood "gave the word of promise to the ear and broke it to the sense." The principle of the former Poor-law did not inflict imprisonment, but afforded protection; it gave the right to employment or relief, but the existing law gave neither. In that, however, it had not even the merit of originality, for so far back as the year 1604, a project of a similar law was under consideration, upon which occasion it was that Serjeant Snigg said, he thought too highly of Parliament to suppose it capable of giving its sanction to any such proposition. Had he lived to have any knowledge of the Reformed House of Commons of 1834, he would have arrived at a very different conclusion. He would have seen one of the inherent rights of civil society grossly and unblushingly invaded; for nothing could be more unquestionable than the right of every man to subsistence; it was one of those natural and eternal rights of which no Parliament possessed the authority to deprive him—it was one which no Parliament could invalidate or interfere with. Every man had a natural right to the protection of his person and his property; he had a right to subsistence, without which those other rights would be of no value. His labour was the only property of the poor man, and to that his right was beyond question or dispute, and how total was the disregard of it which that Act involved, so deteriorated was the only property of the poor man in its value that in some parts of the country he was now obliged to work for 2*s*. 6*d*. a-week. By means of what was called free trade, and by that tremendous edict of confiscation known by the name of Peel's Bill, a stagnation had been produced in many branches of manufacture, which reduced the labourer to the lowest extremity of distress. The unlimited use of machinery had brought the handloom weaver from 5*s*. 6*d*. a-week to a much lower rate of wages. On what principle of justice could such evils be inflicted by any Legislature, as those of depriving a man of employment, of a just remuneration for his labour, and then of imprisoning him because he could not accomplish that which in itself was impossible? Had the House of Commons, which did not represent the labouring classes, any such right? The House of Commons, he would repeat, did not speak the sentiments of those classes —did not represent their wants or their wishes. Could such a House abrogate the just claims of such a body of men? and if Parliament possessed no such right, he should once again say, that the act was illegal, was invalid, and could not claim the obedience of the community. It was the first and highest duty of their Lordships to defend the poor against the oppression and fraud of others. Let it not be forgotten that all the tumultuous proceedings which took place in November 1830, arose from the distress which then prevailed throughout the country, and that the cry which was then raised was for more employment and for higher wages, and not, as was unduly represented, for a Reform in Parliament. With regard to the question of a Reform in Parliament, their Lordships might recollect that in 1832 he had stated, that if the grievances of the country were not redressed, the argument in favour of a Reform in Parliament would become unanswerable. He would now again warn their Lordships that if they persevered in the present measure relating to the Poor-law, Universal Suffrage would become inevitable. It was said not long ago by a person who was a member of the Cabinet, and who was a zealous Reformer, "Without Peel's Bill we never should have carried the Reform Act." Nothing could be more true than this statement, for he was sure that without the distress that prevailed in the country at the time and the discontent which accompanied it, the people of this country would never have consented to so entire a change in the constitution of the House of Commons. But let them continue this measure of a new Poor-law, and he had no doubt that some of those who were disposed to favour what were called organic changes, and also regarded the new Poor-law with satisfaction, would also say, "Without a New Poor-law we never should have carried Universal Suffrage." What was the language which had been held to himself by a farmer of great intelligence, and distinguished by his attachment to what were called Conservative opinions? He said in a letter lately addressed to him, "If this New Poor-law be not repealed, we shall all wish for Universal Suffrage. His own opinion had always been that a real and equal representation would be most salutary to the country, but Universal Suffrage would give to a numerical majority that exclusive power which could not be exercised without an infliction of gross injustice on every class of the community. There was, however, this great consolation, that in the event of a general election, which could not now be deferred nor averted, when an appeal must be made to the country, the people in all the districts of the kingdom would loudly and strongly express their sentiments on this question, and that they would declare their full concurrence in the language of the petition, "that they considered any Government, whether Whig, Tory, or Radical, which adopts the Poor-law Amendment Act, is unworthy of the confidence and support of the people of this country." He must say, that if it had been intended to forward that most dangerous and destructive of all projects, the partition of property, no means could have been devised for that purpose more effectual than the New Poor-law. The design of effecting that partition had been openly proclaimed, and this New Poor-law would assure its success. There was no man who had a heart within his bosom who could enjoy the luxuries which his station could command, when those around him wanted not only the comforts but the necessaries of life. There was no man who possessed the ordinary share of intelligence who was not aware that his property must be injured when the property of the labouring classes prevented them from consuming to the same extent as before the articles in which his property consisted. There was no man who had a decent understanding who could consider his property secure when he was surrounded by men in a state of destitution and discontent, and whom want might drive to despair. Unless the property of the poor man in his labour was held sacred and inviolable, it was idle to expect that the property of the rich man would be respected. Their Lordships enjoyed their estates, and deservedly, by virtue of title-deeds and muniments which evidenced their right to possess them, but the rights of the poor man were recognised by a title as ancient—by the statute of Elizabeth, as well as natural right. He would therefore warn their Lordships against continuing a system which, by destroying the security of property might undermine every foundation of civilized society. It was admitted on all hands that this law required very considerable amendments, and he allowed that such amendments might be made if the Act itself were founded on just principles; but a law like the present, which was founded on principles so unconstitutional and unjust, which violated the rights and destroyed the security of property—a law like that could not be amended and must be entirely repealed. Such was also the prayer of this petition, which did not ask for an exemption from the operation of the law, but most earnestly requested its immediate and entire repeal. He trusted, that in the course of this Session, which would probably not be of very long continuance, the House might be informed by some Minister of the Crown whether it was or was not intended to carry this act into execution in the manufacturing districts? He now declared, that if the Government attempted to carry it into execution in those districts, they would do it at their peril. He did not mean to say that they would do it at the peril of their individual character as a Government, but at the peril of the public peace, at the peril of the property, at the peril of all the institutions of the country. It had been said by the noble and learned Lord opposite, in one of those splendid and really Ciceronian orations which he had delivered at the bar of that House, that if their Lordships lost the affections of the people of this country they would fade and wither like a blossom that had been plucked from the tree. Let their Lordships preserve the respect and retain the affections of the people, and they need not apprehend the consequences of a collision, as it was called, with any other House of Parliament. But if they lost those affections, as they undoubtedly would if they continued a measure which led to oppression and injustice—if they lost that respect and affection, their doom was fixed, their days were numbered, and the destruction of that House was inevitable. He would fain add to what he had already said his own expostulations on this subject with their

Lordships, did he not know from experience that his opinions had no weight in that House. Upon this occasion, however, what he might say might perhaps be considered as entitled to some consideration, as it was not only the expression of his own individual opinion, but that of immense numbers of his poorer fellow subjects, by whose support and confidence he was honoured, and of whose interests he considered himself to be the representative in that House. He had now stated all that he considered it necessary to say at present upon the subject, and, he should move that the petition do lie on the table. The noble Earl concluded by presenting the petition which was signed by the chairman, Mr. Stocks, on behalf of the meeting.

The Earl of *Harewood* might be expected, perhaps, as having some connexion with the district from which the petition proceeded, to state the reasons which induced him to follow the course which he had thought fit to pursue in reference to the meeting at which the petition was agreed upon. Before he left the country a deputation had waited upon him, and requested him, as Lord-lieutenant, to call that very meeting. He declined, however, to call the meeting, and he would state why. If there had been any question as to proceedings which were in progress, and had not yet become law, it would have been his duty, as Lord-lieutenant, to consider the reasons urged for convening such an assembly, and to have acted afterwards as he had thought most fitting. But several circumstances had taken place which did not allow him to take that course. In some instances the Commissioners had gone into towns for the purpose of assisting in carrying the law into operation, and resistance had been made to them, and in some cases the Commissioners had been obliged to leave the town. When an application, therefore, had been made to him to call a meeting, which would declare their sympathy with this out-of-door expression of opinion, he felt that if he complied with the requisition, he should be placing himself at the head of an assemblage avowing its wish to repeal a law when the law itself had been in some degree resisted. Under these circumstances he refused to call the meeting, but he had the satisfaction of stating, at the same time, that the parties to whom he communicated his refusal acquiesced both individually and collectively in the propriety of the course which he had thought it his duty to pursue. He was not going to enter into the merits of the Poor-law Bill, but after what had been stated with respect to the immense bodies of men who were assembled on the occasion referred to, and with respect to the deep interest which they took in the proceedings of the day, he felt bound to say that all this was strictly true. He was not surprised at the interest which these large masses took in the matter, because for weeks and weeks before this meeting was held great pains had been taken to impress upon their minds a very strong feeling against the measure. He was not saying this in support of the Poor-law Bill, but in support of the cause of truth, and he must also state that the conduct of those who were assembled was peaceable and quiet in the highest degree. He must also observe, that it was true that the law was most hateful to the inhabitants of the West Riding, but then he must state why it was so. The system of management of the poor in the West Riding of Yorkshire was excellent. Nothing could be more complete, and they had a feeling that the new law would push out a system which they considered to be working well, and introduce an arbitrary and oppressive system in its stead. This was the feeling which was at the bottom of the opposition offered by the West Riding to the measure. It was true that they objected to its operation as a Poor-law, but they also objected to the management of the poor being taken out of their own hands. With respect to the manufacturing part of the country, he should like to see, and he thought there must be some alteration made in the application of this law to those districts. He was sure, indeed, that as it stood it could not be carried into effect. Now with regard to such a place as Hull. Hull was an immensely large parish, and what were the Commissioners about to do? Why, they were adding thirty-three parishes to this parish, which was as large already as could be managed separately. He maintained that this very circumstance rendered the Act of Parliament nugatory and impracticable. Their Lordships would recollect that in manufacturing districts factories might be stopped all of a sudden, and children and others thrown entirely out of work, and they knew that the principle of the Bill was, that no able-bodied person should receive relief out of the workhouse. He knew, that it was not intended to act upon the strict letter of the law in this respect, but it was impossible to prevent persons entertaining a feeling that it would be acted upon. He said, therefore, that some alteration in the law was necessary as far as regarded its application to the manufacturing districts. He must also say, and in saying so he meant not to cast blame anywhere, that an example already set had been followed by those who were engaged in promoting this immense meeting. He knew that it was the opinion of the parties who were engaged in promoting that meeting that a similar example had on other occasions been set by the Government itself, and that to produce an impression there must be a great demonstration. He was not going into an argument respecting the Poor-law, he was not capable of doing so, but he wished to state these facts as an apology for the meeting. There was no bad feeling against the Poor-laws in the West Riding, but there was a feeling against the present system, particularly to that part of it which related to the powers exercised by the Poor-law Commissioners.

The Marquess of *Tavistock* said, that although he knew nothing about the manufacturing districts, the House would perhaps allow him to say a few words about the midland counties, to which he belonged. He had for twenty-five years acted as a magistrate in the county in which he resided, and which he had had the honour of representing in Parliament for many years, and he believed he could say from his own personal experience that there was no county in the kingdom in which the old law had produced greater evils, and where the benefits of the change effected by the recent enactment had been more signally manifested. In 1828, when a Member of the House of Commons, he presented a petition in which the evils of the Poor-law system and the deplorable condition of the people were set forth, giving, as he well recollected, a frightful picture of the state of the manufacturing districts in particular; and at the time of presenting that petition he recollected lamenting to be obliged to state that in consequence of the operation of the existing Poor-law he felt the duties of his magisterial capacity becoming daily more and more irksome and painful to his feelings. Happily that state of things no longer existed. They had found it a most pleasant change; and so beneficially had it worked to all parties, and all classes of the agricultural community in the county in which he resided, that he could assure their Lordships that he could hardly believe that he lived among the same people. There was no longer any want of employment. The measure was not, as was supposed by the noble Earl, unpopular among the deserving poor. He could assure their Lordships it was quite the reverse. The night-watches had been universally abolished as unnecessary. The labouring poor were well off and contented, and were, moreover, becoming well disposed towards their employers, and respectful to their superiors: and this, instead of regarding them as they formerly did, in the light of oppressors. The poor and infirm were better taken care of, and in sickness they were better attended to. He would say nothing of the enormous saving to the rate-payers, which amounted in many parishes to forty, fifty, and even sixty per cent. He spoke merely of the altered condition of the labouring classes; and he could truly say that now, instead of finding amongst the poor that crime and distress prevailed, he found himself residing amongst persons such as he had just described. He was not much in the habit of addressing their Lordships at any length upon questions of a party character, but he felt it his duty to say these few words in reference to the observations of the noble Earl; and, he was persuaded, that he was speaking the sentiments of all parties and classes amongst his neighbours who had witnessed the working of the two systems. He and they, on account of the change that had taken place, felt greatly indebted to the present administration, to his noble and learned Friend (Lord Brougham), and also much indebted to the noble and gallant Duke opposite, for the truly useful and patriotic manner in which, so much to his honour and so far above all party considerations, he had given his valuable testimony in favour of the working of this useful, but much calumniated, measure.

Lord *Portman* felt grateful to those who passed and who supported this measure. The noble Earl, who presented the petition, assumed to himself the character of representative of the labouring people of this country. He was not aware, by what right the noble Earl assumed that title. He must say, that no man had a right to claim to himself the particular privilege of asserting in that House, or elsewhere, the opinions of men which he had not the means of making known to them as their specific opinions. The noble Earl did not represent the labouring population amongst whom he lived. He could tell the noble Earl, that the mass of that population, who happened to be in employment, were thankful for the passing of this Act. He would venture to say, that they saw that their condition was bettered; they saw their masters taking more pains to improve their condition—they saw them employ their children, who before were paid a small pittance out of the poor-rates, and they were grateful for the education which their children received, and for the improvement that took place in their situation, instead of seeing them idling about the streets as formerly. He would, therefore, say, that the noble Earl did not represent the masses of the labouring classes of this country. Perhaps, he had been looked upon as a person holding something approaching to radical doctrines, because he had at one time represented a division of the metropolis, the inhabitants of which were regarded as holding opinions which were not very moderate; but he was quite sure, that he had never heard, during the time of his canvass, any doctrines so radical as those he had heard from the noble Earl. And he was sure, that there was not one of his former constituents who would, for an instant, hesitate to support the Poor-law Amendment Act, because they wished for universal suffrage. He should be glad to find, that they were so likely to have so large a mass engaged in supporting the Poor-law Act, and he hoped that they would attend to the noble Earl's advice, and they would believe that, in supporting this Act, they would obtain universal suffrage. He was, however, certain, that universal suffrage was much farther off than if this Act had not passed. Perhaps the noble Earl would recollect the riots which, in 1830, started up in the county of Kent. If a leader should now be wanted, it was natural to suppose that the county of Kent would furnish one. He recollected, that great anxiety was felt at the time of these riots; and he could tell the noble Earl, that at that time the wages of the labouring classes, which the noble Earl had described as so altered by the Poor-law Amendment Act, as to be reduced to half-a-crown a week, were at that time less: the mass of the poor in November, 1830, were working for less. The noble Earl had told their Lordships, that it was the Poor-law Act which reduced wages to half-a-crown a-week; but it was clear that other circumstances might do that; the causes, for instance, that produced these riots. They had heard a great deal of the *triumviri*, but he believed that these *triumviri* were doing much more good than the *duumviri* —he meant the distinguished representative of the labouring classes in that House, and another gentleman out of doors, who took the same title. He must say, that if men, placed in a public situation, were not protected by Parliament while using their discretion to the best of their abilities, it was in vain to hope that men would consent to be placed in such situations. The situation was one of the deepest anxiety; and he was sure, that no one went to the Commissioners on business connected with the Poor-laws, who was not treated with an attention, even with reference to the most minute particulars, which was most praiseworthy. They had been told, also, by the noble Earl, that the principle of allowing persons to make rules and regulations which were to have the effect of law, was new in the annals of this country. Had the noble Earl never heard of the laws relating to friendly societies, or to saving banks? Was not the noble Earl aware, that the regulations then made, when submitted to the barrister, and approved of by him, became law after being enrolled at the quarter sessions? Was not the principle here similar? And he should like to know, if there was any objection in practice to the adoption of this principle? There was another great objection put forth, namely, that the rate-payers had nothing to do with the management of the poor. But what was the fact? The rate-payers elected guardians as their representatives, and from the persons so elected, the circumstances which were to guide the judgment of the Board of Guardians, were known; so that though the rate-payers did not themselves distribute their money, it was done by their representatives at the board—the men of their own choice. It was also said, that all the officers were appointed by the Commissioners. He apprehended, that the noble Earl must refer to the assistant-Commissioners, as the relieving officers, the medical officers, and the clerks of the unions were all elected by the Poor-law Guardians. He was quite certain of this, that the parties assembled at this large meeting, who were described as consisting of peaceable and well-disposed men—he was quite certain that if they knew the mode in which these Poor-laws had been carried into operation in the south of England, if they had seen the misery and the destitution that once prevailed, and the way in which that was now disappearing, instead of expressing themselves so strongly against this Act, they would have done what would have been quite reasonable—they would have called upon the Poor-law Commissioners and upon the Government to suspend the operation of the act in their immediate district until they were satisfied that there the Poor-law Amendment Act was necessary; and further, if they became converts, on reason, to the act, they would have absolved themselves from their allegiance to the noble Earl, and would have found that there was not that mischief in the arrangement of the Commissioners which had been put forth. But it was much more likely to happen that in so large an assembly there should have been something of violence and misrepresentation. If they had been told that the sick, the infirm, and the aged were at least as well cared for as before; if they had been told that every case of distress was regularly brought before the Board of Guardians, who patiently heard, if needful, the parties themselves, and attended to their statements; if they had heard also that a discretion, and a most useful discretion was vested in the Board of Guardians; if instead of talking of imprisonment, they were told that there was an opportunity, if needful, of giving relief out of the workhouse under certain special circumstances, and in cases of temporary distress, and that when they had one or two children they were much better taken care of, they would not have agreed to the petition that had been presented that evening. If the word "workhouse" were dropped for a moment, and that of "school" substituted, and an offer were made to a man who had two children, for instance, to take them from him and place them in a school, where they would be well cared for, clothed, and educated, he believed that no man of sense would object to what many of their Lordships who had children were obliged to submit to. If, then, their Lordships could bear to part with their children for such purposes, why should not the man who called upon others out of their industry to support him consent to part with his children for a time? They did not send their children to a distance, they were not placed where they could not be seen, they were in the workhouse where the parent might see his children as often as he pleased. This was not cruelty towards the children of the poor, nor did he believe that the act inflicted cruelty on any of the poor. He did not intend to deny that there might not be individual cases where the Guardians might have erred in judgment, and where the Poor-law Commissioners might have been misinformed also; but he need hardly state that the system generally was working beneficially for the poor, and as generally beneficially for the rate-payers. He knew, that in a question of this kind whether the diminution of the Poor-rates was more or less was the least consideration. It would not be justifiable for a single instant to take any step to lessen the Poor-rates which would in any way injure the poor. He was quite certain, that through the western parts of England the Guardians of the Poor, and the labourers in employment themselves, would receive as the most dreadful announcement that either the noble Earl, or any Member of the other House, had obtained leave to bring in a Bill to repeal the Poor-law Amendment Act. He hoped her Majesty's Ministers—and those noble Lords opposite who were in possession of that power to place themselves in the situation which his noble Friends possessed, if they were removed from it—he hoped that neither one party nor the other would hesitate, for a moment to state broadly and manfully that they would not, as far as was in their power, consent to the repeal of that Act.

Lord *Wynford* was gratified to hear that this Bill worked so well. He was always aware that there were great abuses in the old Poor-laws, and he should be glad to have seen these abuses remedied; but he thought these remedies might be applied in a less expensive and less arbitrary manner. He would ask the noble and learned Lord on the Woolsack whether any man, or set of men whatever, could make by-laws which were contrary to the laws of the land? By what right did the Commissioners imprison men in their workhouses? He could not help thinking that the power granted to the Poor-law Commissioners went to a most unconstitutional extent, and that they had used them in an arbitrary and oppressive manner.

Viscount *Melbourne* said, it was with very great concern that he saw such a petition as that presented, agreed to, and concurred in at a meeting so large, so numerous, so respectable, and so tranquil in their conduct as was represented by his noble Friend. That petition having been so agreed to, he certainly did look with great concern at its being presented by his noble Friend. He was extremely anxious that every petition emanating from the people, and more especially from so great a meeting as that referred to, or indeed from any portion of the people, should find some noble Lord to introduce it, and give a fair representation of it in the House. But he must own, that he felt, to a certain degree, a portion of uneasiness and no small feeling of alarm, that the noble earl—of ancient name and family, of such property in the country, of undoubted zeal and feeling for the people of this country, and of unquestionable philanthropy—should have passed so unqualified a censure on an act of the Legislature, on a law of the land, and should have made himself instrumental in conveying doctrines and opinions which, he must say, were in a high degree destructive and subversive of all law and order. He owned he had listened to the speech of his noble Friend with great concern and apprehension. His noble Friend had stated many reasons for his not taking that share in the debates of the House, which formerly he was accustomed to take. These reasons made him deeply regret his noble Friend's absence. He regretted that they had not been favoured and assisted with his noble Friend's advice in the course of their proceedings; but he could hardly believe that his noble Friend had really stated the reasons of his absence. His noble Friend had stated that he experienced neglect from their lordships, that his opinions had not been attended to, that he had little influence, and that he could be of little use, when both sides of the House concurred in a course of proceeding which was destructive to the best interests of the country. Now, he begged his noble Friend to consider whether these motives were sufficient to justify his absence on such an occasion? Whether he was sufficiently justified in absenting himself upon the occasion of the discussion of a Bill which he stated to be pregnant with the most violent injustice and cruelty? A Bill which in its consequences would, in his noble Friend's opinion, work so decided a change in the constitution of the country—which would effect the destruction of their Lordships' House, the ruin of the property of the country, and the total destruction and subversion of the constitution, and which would bring a moral chaos back again. If the noble Earl were aware that such consequences would result from that measure, surely it was his duty not to listen to his feelings of disgust, but to attend in that House and exert himself to the best of his ability in order to try to avert from the country those evils of which he had before him so clear and distinct a prospect. He believed that the powers given by the Bill were absolutely necessary for the purpose of carrying the measure into effect; and he believed that the principles on which the Bill was founded were perfectly sound and just. As to the question of his noble Friend with respect to carrying the Bill into effect in the manufacturing districts, he begged leave to say, that he thought a certain degree of prudence and discretion would be required in the working of the Bill in those districts; but at the same time he must say, that he did not see those difficulties in applying the principles and practice of the Bill, even in those places, which were apprehended by the noble Earl. He understood that a great number of unions had been already formed in the manufacturing districts, and that the Bill worked well and proceeded quietly, and had produced satisfaction. It was not his intention on the present occasion to enter into any details of the measure; but he would distinctly answer a question which had been put to him, and he would say that undoubtedly it was the intention of her Majesty's Government to maintain the principles of this Bill. But though they would do so, they were not unwilling to listen to any amendments that should be shown to be necessary, and they would attempt, as far as it was possibly in their power, to carry this measure into effect with prudence and discretion, with circumspection and care.

Lord *Brougham* denied, that the Poor-law Commissioners had any power to confine people in the workhouse, nor could any person be so confined. But all the inmates of the workhouse must conform to certain rules and regulations of the House. Wherever there was any large number of persons together, it was necessary for their common comfort that there should be certain rules and orders in the management of the business of the house. The inmates of the workhouse, living under the protection and comforts which the roof afforded, must yield to a certain discipline; and he would venture to say that if that discipline were relaxed, if there was no rule or order, the very inmates of the workhouse would be the first to complain that it was still more irksome, more inconvenient, and personally more uncomfortable than before. It was said, that the Commissioners were desirous of making the workhouse as disagreeable as possible. Now he did not believe that any of the Commissioners had ever desired any such thing. He would not enter upon this subject at any length, and more especially after the able manner in which it had been treated by some noble Lords who had preceded him. It was said, that this Bill was extremely unpopular amongst the labouring classes. He should lament extremely if the Bill were unpopular amongst that most useful and most important class of her Majesty's subjects. But it was his firm belief, founded not merely upon his reflections on the subject, but what was far more material, upon testimony which was strengthened by what had fallen from his two noble Friends (the Marquess of Tavistock and Lord Portman), that amongst the labouring part of the community this Bill was not unpopular, that amongst all the industrious, all the well-disposed labouring men, those who deserved to be called the labouring part of the community, that amongst all these the measure was a favourite, and not an odious law or an oppressive law. That where it was not yet introduced, and therefore not understood, the measure was unpopular, was, he thought, highly probable; and that there were some, a much smaller portion, and a less respectable portion of the community of the districts where it had been introduced, who viewed it with dislike, was much to be expected; but those were not the labouring people, they were not by any means, the bulk of the labouring poor. The merit of this great measure was not the saving it effected in the poor-rates, not the benefit it conferred on the proprietors of the soil—though in conferring a benefit on them they also conferred a benefit, not indirectly or circuitously, not through accident or contingency, but of necessity and by a direct and inevitable operation, on those labourers whom these proprietors employed; but what was its chief recommendation in his eyes, and why he chiefly rejoiced in its success, was because he believed it was increasing largely the comforts of the labouring poor. He believed, that it tended to elevate their character—he believed that it arrested both their downward progress in comfort and the downward tendency of their habits, which must have led to the inevitable degradation of their character. Their downward progress in circumstances, habits, and character, was arrested by this Act; and, he believed, that no Act had been passed for a long time which tended so much, both mentally and physically, to improve the people. With respect to the introduction of this Bill into the manufacturing districts, and with respect to the powers given to the Commissioners, he had but little to add. With respect to the powers of the Commissioners, he should like to know how many local acts had been passed from time to time, and whether they did not contain much more stringent rules and regulations than those allowed to the Commissioners? There was only this difference between them—that instead of these powers being confided to persons singled out from the community, placed in a conspicuous situation, answerable to the Commissioners, and under the constant superintendence of the Executive, and, above all, of a watchful people and Legislature—instead of being confided to persons surrounded by all these securities, these powers, stringent as they were, were confided to persons locally situated, and who were under no kind of control or responsibility whatever, and who had no watch over them of any sufficient effect. Under the present Poor-law general powers were given which were to be executed by those in whose hands it would be most safely confided, and under control and check which in former instances did not exist. He believed that a sound judgment was employed and a due discretion used with respect to the power that was to be exercised. His belief was, notwithstanding all he had heard, that the power given had been wisely, judiciously, and successfully exercised. No attempt had been made rashly, or too rapidly, to carry the system into effect, or to spread it unnecessarily over parts of the country where it might be thought less adapted for than in others; but there had been a careful consideration in each case before there was an extension or application of the powers given by the Act. It might also be said, that where there were great defects in the administration of the old law, and that where it would be in many places a great improvement to introduce the new, yet in such cases, if parties were asked, did they want the new Poor-law they would immediately say "No." "Did they wish for it?" "Far from it." "Did they require it?" There would still be the same negative answer. And if the same parties were asked had they managed hitherto their affairs so well that they did not require any assistance, the same parties would give an answer in the affirmative. Men were satisfied with their own management or with their own conduct, men were not willing or disposed to find fault, and this they would do in many instances conscientiously, although most erroneously. In doing this in the present matter, they would only fall into the same error to which all mortals were prone to fall, that of being too easily satisfied with their own actions, and at the same time to exaggerate the faults and too little satisfied with the conduct of others. Men were too apt to believe that others did the same thing less well than themselves. The noble and learned Lord concluded by remarking, that in portions of the country where it had been said the new Poor-law could not be introduced it had been tried, and proved successful.

The Duke of *Richmond,* in reference to one observation made by the noble Earl, wished to remind their Lordships, that the number of Poor-law Commissioners was restricted, that the Act of Parliament provided that their expenses were to be defrayed by means of an annual vote, and that it was not to be supposed, with such a restriction, that assistant-Commissioners who were not absolutely required, would be appointed. He ascribed to the absence of the noble Earl from this country his ignorance as to this fact. The noble Earl, however, had come forward with a petition from the West Riding of York. He wished to ask the noble Earl if the petition that he now presented, was the same petition as that which had been adopted at the meeting of which he spoke? Was that precisely the petition which that great meeting had sanctioned with its approbation? Had no alteration been made in it? Why did not the noble Lord, if he attached so much importance to the petition, bring it up to that House, and from his seat there the very next day, move for a repeal of a law which he declared to be so bad, and so injurious to the interests of the people? The noble Lord did no such thing, but he waited until it was evident the Session was coming to a close, and the noble Earl then made a speech, which he did not mean to say was intended, but which was calculated, to cause the people of this country to rise against the law, by telling them that it was a law which ought not to be obeyed. Though the noble Lord who did this might call himself the representative of the labourers, yet he (the Duke of Richmond) trusted, that the labourers would never be persuaded by clamour to set themselves in opposition to law; but if a law pressed heavily upon them, that they would petition Parliament against it, for in Parliament attention would be paid to their petitions. He trusted that they would not be influenced by those whose motives in opposing the law were not very clear. The Poor-law Act was now the law of the land, and he wondered that the noble Earl should not have told the labourers in his district that which he had told to the labourers of Sussex, that it was the law of the land, and they must obey it. Why, he would tell the noble Lord, that many of the guardians were men who had risen by their industry from the rank of labourers, and who were bound to the labourers by every feeling. Instead, then, of these men being the enemies, they were, in fact, the best friends of the poor. This he knew well, and the noble Lord, whom he did not believe to be a very good judge upon the matter, and whom he did not think did his duty with respect to it, ought to know it also; for the noble Lord, instead of taking his seat in the House of Lords, and telling the poor they were starved, ought to have gone to the Board of Guardians, and there seen the mode in which relief was given to the poor. He had attended the Board of Guardians from the commencement of the Act. He had done as a noble Friend of his who had spoken upon this question, and they had seen how the Guardians had acted. They had noticed every case which had come before the Board, they had had every particular application explained, and they had seen the Board of Guardians go as far as they possibly could in giving relief to those who applied for it. He knew, that in the workhouse, the paupers were better off than they were at home. At these Boards not only the Guardians attended, but he was happy to say some of the gentry and the magistrates also. He considered, that the noble Lord would discharge his duty more properly in mixing with the Board of Guardians, than making complaints in that House which could not be proved. It was impossible, that in so great a change as that which had taken place, that individual cases of hardship should not occur; but he asked the noble Lord, if he did not abandon his duty in not taking care that where such cases might occur he was not present to have them remedied? He asked the noble Lord, if he had never seen or heard of crowds of labourers complaining of the operation of Gilbert's Act? Had he not seen cases in which magistrates were pressed for relief by those persons? Had he not heard of the former system being complained of? Did he not know that unless a man behaved ill, unless his family were abandoned by him, and that his children were running about the streets, they got no relief, and that it was in such cases the magistrates were authorised to grant relief? He contended for it, that the morality of the people had been greatly improved by the present system. He wished that the noble Lord would look for the effects of the system that he decried in the accounts of the savings banks —he wished him to look to the increase in the friendly societies—he wished him to look to the great number of benefit clubs. The able-bodied and the really industrious labourers were now contributing to and joining such establishments. He had asked one of them how it was that he had become a member of such a club. The man's reply was, that before the present system was established he knew very well, that if he belonged to a club the overseer would hear of it, and then every man who did not belong to such a club, and asked for it would receive relief, while he would be refused. It was notorious, that before that system, there was a premium upon idleness and dissolute conduct; whereas, now the attempt was made by labourers to become honest and independent. He cared not for the saving effected by the Poor-law Amendment Act, for he was one of those who would go as far as any landlord could to benefit the country—he cared not for the saving effected; but he cared very much for the character of the people. It was his opinion, that if the noble Lord, instead of going abroad, had not left his own country, he must have come to the conclusion that the new law was most beneficial. It had been said, that by the present system the paupers were imprisoned: he considered there was no more imprisonment with respect to paupers than it could be said to be imprisonment with respect to soldiers when they were ordered not to leave their barracks between the hours of ten at night and six in the morning. A man asked for relief, and it was given to him. There were certain regulations, and if there were not the paupers might be coming and going out of the workhouse all day long. The rule was to give three hours' notice of the intention to leave the workhouse. He had known cases in which paupers had come back to the workhouse on the very day that they had left it. The noble Lord said, there were great grievances under this system; but were there not grievances of a much more serious nature under Gilbert's Act? He declared that he never could give his consent to an alteration in the principle of the present law. Formerly the case was, where one man had saved, where he put by a little provision, in order that he might maintain himself decently, and that another chose to go into the public-house and expend all his earnings there, and when the autumn came that man went to the parish for relief, whether it was that he laid out his money in the beer-shop, or was dismissed for his misconduct (for it was that most commonly occurred), relief was given to him by the overseer: and who was it paid for it? The honest and industrious labourer was called upon to pay for that; and he was deprived of some of the comforts which they would all wish to see the labouring classes enjoy, and this for the purpose of maintaining the idle and the dissolute. It was his opinion that the labouring classes of England would not believe the noble Lord when he told them that the guardians were not their friends. It was his opinion that the labourers of England would not believe the noble Lord when he told them, that the farmers or the owners of property did not desire to see them in a safe and a wholesome condition. He knew the farming classes well; and from his connexion with them he could say it was their desire to raise the condition of the honest labouring classes. Such persons, then, were not to be supposed to be the enemies of the poorer classes, because they would not permit every man who chose to put their hands into their pockets. The act was calculated to better the condition of the labouring classes, and none had a right to complain of it but the idle or the dissolute.

Earl *Stanhope* said, the reason he had not been there to oppose the new Poor-law Act was, that at the time it was passed he was in a country that was happier and better governed than this—namely, Germany. He was not present in that House, for he did not think that a Bill passed by a reformed House of Commons would have been sanctioned by the House of Lords. The reason why he had not attended the board of guardians was, that he had no right to attend—he was not a magistrate, and he would not be elected; and he disapproved so much of the Act that he would take no part mediately or immediately in carrying it into execution. The noble Duke had asked him if the petition he presented was a petition from the meeting of which they had spoken. He had to state that no petition had been adopted by the meeting, but a series of resolutions were agreed to, and the petition was *verbatim et literatim* the same with those resolutions. It was quite true, that the noble Lords on his side—the illustrious Duke (the Duke of Wellington) had, with his followers, given his sanction and support to the Ministry in passing the new Poor-law Act. Both parties agreed in its adoption, and he had no chance in opposition; but upon this point he might quote the *dictum* of George 3rd, and in the course of a long reign it was the only *bon mot* he had been ever known to utter. George 3rd said, that "he believed Mr. Pitt was generally in the right; he believed that Mr. Fox was occasionally in the right; but when both Mr. Pitt and Mr. Fox agreed on the same point, then he was sure they were both in the wrong." it had been objected that under the old system the poor were to be seen drawing carts. Now, he must say that he was sure a pauper would prefer drawing a cart to the being, as he was under the new Poor-law, separated from his wife and children. He begged to say, that as long as he appeared in that House he should appear there as the representative of the poor and the labouring classes, for they had no representatives in the other House.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, June 27, 1837.

MINUTES.] Bills. Read a third time:—Coroner's Inquest Expenses.—Read a second time:—Civil Bill Courts Ireland; Treasurers of Counties Ireland; Coroners, Durham. Read a first time:—Court of Exchequer Scotland; Military Commissions; Patents Amendment Act.

ANSWER TO THE ADDRESS.] Lord *John Russell* brought up her Majesty's Answer to the Address voted to her Majesty upon the demise of the late King, and upon her Majesty's accession to the Throne; which, as far as we could collect it, in consequence of the low tone in which his Lordship read it, was to the following effect:—

"Victoria Regina.

"I have received, with the most sincere satisfaction, the loyal and dutiful Address of the House of Commons with the assurance of their great grief at the loss the nation has sustained in the demise of his late Majesty. The expectations that I have always entertained have been realised by that Address; and it will be the study of my life to preserve the liberties and maintain the glory of this great country. I receive with great satisfaction your loyal and dutiful Address, in which you state you will without delay proceed to the consideration of such measures and make such provision as the public service may require."

FORGERY.] Lord John Russell moved the Order of the Day for the further consideration of the Report on the Forgery Bill.

Lord *Stanley* said, before the House proceeded further, he wished to ask the noble Lord a question on a subject of considerable importance, which referred in a certain degree to the subject matter of the Bill under discussion. He had stated to his noble Friend, some three or four months since, that a communication had been made to him, as foreman of the spring grand jury of Lancashire, to the effect that there had been an increase of the crime of forgery, and that there had been, contrary to the expectation of those who thought that a diminished severity of the law would be beneficial, a growing feeling against prosecuting, and that the tendency of the alteration of the law was too much to induce parties to look to the recovery of moneys, rather than the punishment of the offence committed. He had stated to the noble Lord the authority on which this information was given to him; he had since seen the person who gave this information, but he did not ascertain from him that he had had any communication with the noble Lord on the subject. He, therefore, wished to know what had been the result of the noble Lord's inquiries elsewhere?

Lord *John Russell* said, he had certainly not had any communication on the subject with the manufacturing districts; but the result of his inquiries in the metropolis was, that forgeries had not considerably increased, and that the effect of the present measure would be to afford an increased security against forgery.

Report received. Bill to be read a third time.

Offences against the Person.] Lord John Russell moved the Order of the Day for the further consideration of the Report of the Offences against the Person Bill.

House in Committee.

On Clause 2,

Mr. *Aglionby* proposed an amendment, the object of which was, to separate these offences into two classes, making all cases of murder punishable by death, and all cases of attempts at murder subject to periods of transportation to be fixed upon. The subject had given rise to considerable discussion in the Committee, and he, for one, did not disguise his opinion, that if the punishment of death was to be continued on the Statute-book, it ought to be limited to murders alone. He hoped his Majesty's Government would have considered the question, as upon the former occasion, the punishment of death had been carried by only a very small majority. He regretted, that his hon. Friend, the Member for Liverpool, who had for many years attended to the amendment of the criminal law, was prevented from attending in his place by a severe domestic calamity; but as the proposition for continuing the punishment of death in any cases, except actual murder, had been carried merely by a majority of one; and as the opinion out of doors was strongly against the proposition, he had earnestly hoped that the Government would have taken the question into its own hands, as one not unworthy its consideration. By this means, they would get rid of great difficulties and many legal technicalities. Unless there was a very strong opinion expressed against it, it was his intention to take the sense of the Committee upon that point.

The *Attorney-General* objected to the amendment. He had given his best attention to the subject, and he questioned whether the punishment of death should be confined to cases of actual murder only. The clause objected to by the hon. Member had been framed upon the suggestion of one of the most eminent judges in the land. He trusted, therefore, that the House would adopt it.

Mr. *O'Connell* moved, in place of Mr. Aglionby's amendment, that after the word "death," at the end of the clause, there be inserted the following words:—"or, at the discretion of the court, be transported for the term of the natural life of such person, or for any term not less than fifteen years."

Mr. *Shaw* objected to the amendment, because it would place the judge in the painful situation of deciding, in all cases that came within the meaning of the clause, whether the offence should be visited with a capital punishment, or not. This would be new to the law, and, in his opinion, far from an improvement of it.

The *Attorney-General* also objected to the amendment, and upon the same ground. Leaving it to the judge to determine whether an offence should or should not be held capital was contrary to all rule, and wholly anomalous. It would, b sides, have the effect of placing the judges in an embarrassing, a most painful, and oftentimes, perhaps, a most odious, situation. Every body, he thought, would perceive how very different the situation of the judge would become when it was known that the decision of life or death was left entirely to his discretion.

The Committee divided on the amendment:—Ayes 36; Noes 60: Majority 24.

List of the Ayes.

Acheson, Viscount
Aglionby, H. A.
Baines, E.
Beauclerk, Major
Blake, M. J.
Brotherton, J.
Buller, C.
Chapman, L.
Codrington, Admiral
Dennistoun, J.
Ellice, E.
Fector, J. M.
Fenton, J.
Gaskell, D.
Goring, H. D.
Hawes, B.
Hodges, T. T.
Hutt, W.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lynch, A. H.
O'Brien, W. S.
O'Connell, M. J.
Pease, J.
Pechell, Captain
Potter, R.
Power, J.
Pryse, P.
Robinson, G. R.
Sibthorp, Colonel
Strickland, Sir G.
Surrey, Earl of
Thompson, Colonel
Vigors, N. A.
Wakley, T.
Wallace, R.
Williams, W.

TELLERS.
O'Connell, D.
Grote, G.

List of the Noes.

Alsager, Captain
Alston, R.
Baillie, H. D.
Baring, F. T.
Bewes, T.
Biddulph, R.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Clive, hon. R. H.
Colborne, N. W. R.
Dalmeny, Lord
Darlington, Earl of
Dillwyn, L. W.
Duncombe, hon. A.
Elley, Sir J.
Fergus, J.
Fitzroy, Lord C.
Fitzroy, hon. H.
Gordon, R.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Grey, Sir G.
Hay, Sir A. L.
Hillsborough, Earl of
Hoskins, K.
Houldsworth, T.
Howard, P. H.
Inglis, Sir R. H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Law, hon. C. E.
Lowther, J. H.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Paget, F.
Palmer, R.
Parker, J.
Parnell, rt. hon. Sir H.
Pattison, J.
Pollen, Sir J. W.
Poulter, J. S.
Pusey, P.
Richards, R.
Ross, C.
Rushbrooke, Colonel
Russell, Lord J.
Scourfield, W. H.
Seymour, Lord
Sheppard, T.
Stanley, Lord
Steuart, R.
Thompson, T. B.
Vere, Sir C. B.
Williams, W. A.
Wilson, H.
Worsley, Lord
Woulfe, Serjeant
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.
The Attorney-General
The Solicitor-General

The clause agreed to. House resumed.

The other Bills for the amendment of the criminal law were forwarded through the same stage.

Execution of Wills.] On the Attorney-General moving, that the House resolve itself into Committee on the Execution of Wills Bill,

Sir *R. Inglis* rose to draw the attention of the House to the extraordinary changes in the law which this Bill proposed. It would materially injure the small proprietors of property, by whom a large proportion of the wills were made. He found, by returns made to that House, that in the year 1829 five-sevenths of the probates granted in London were for property under the value of 3,000*l.*; and that nearly one half of this proportion was for property under the value of 450*l.* This measure, therefore, could not materially injure the millionaires, but would seriously affect the many. It would lead to considerable expense, great vexation, and would almost prevent the execution of wills. The object of the Legislature ought not to be to regulate the descent of property, but to encourage its acquisition. The more unfettered it left the disposition, the more would it carry out the proper designs of a paternal government. The present Bill made alterations in the law as it now stood in three important particulars:—1st, it regulated personal property by the same rule as real property; in the next place it prevented minors from making provision for their offspring, though it was not intended to prevent them from marrying; and, lastly, it annihilated holograph wills, and rendered two witnesses necessary in every case; thus making professional advice indispensable in their preparation, and leading to publicity. He thought it would be better to say at once that a man had no right to dispose of his property, rather than to put upon its disposition such restrictions as would in the majority of cases nullify the will; and he thought, also, that there was no evidence of the intentions of the parties so good as when they put such intentions upon paper in their own handwriting. He objected to the bill so much, he felt so little satisfaction with it, and had heard so little in its favour, that he would much rather vote against the bill altogether than allow it to go on, especially as he thought that it would lead to more fraud, litigation, and intestacy than by leaving the law as it now stood; but, though he should not move that the Committee should be appointed for this day six months, yet he would reserve to himself the right of moving clauses to postpone the operation of the bill till the first of Jan. 1839, and to declare that all wills declared to be published before that time, should be considered as duly published for all future time, but that all codicils executed subsequently should be placed under the same law as existed at the time of the execution of the will.

The *Attorney-General* entirely despaired of convincing the hon. Baronet of the propriety of this measure if he were not already convinced by all that had been written in its favour. It had received the approbation of the Ecclesiastical Commissioners, had been approved of by the real property Commissioners, had twice passed that House, had been twice carefully considered by a Select Committee, and in the House of Lords had obtained the support of the Lord Chancellor and Lords Brougham, Lyndhurst and Abinger. The heads of the courts of common law, of equity, and of the ecclesiastical courts also concurred in its propriety, whilst the Archbishop of Canterbury, the Bishop of London, and other right rev. Prelates united in strenuously recommending this alteration of the law. Sir N. Tindal and Lord Tenterden also approved of it; and if the hon. Baronet still thought, in spite of authorities such as these, that the Bill was wrong, he was right, manfully to come forward and state his objections. He had, however, omitted one material evil which this Bill remedied: there were parts of the country where no will was sufficient directly to pass real estate, and he well recollected when he had the honour to be one of the property law Commissioners, that this defect was pointed out to him, in an able paper he received from the hon. Baronet the Member for Cumberland. Now this Bill would remedy this, and would render uniform the method of making wills relating to real and personal estate. Nothing could be more absurd than the present law upon this subject; for whilst a single perch of freehold land could not be disposed of by will, unless such will were executed in the presence of three witnesses, yet no witnesses were required to a will relating to a copyhold estate of the greatest value, and it might pass by a mere memorandum put into one's pocket book, without signature or attestation. Again, with respect to funded property, two witnesses were generally required to a will; but none if it related to other kinds of personalty. The present Bill would put an end to ligitation, and would thus diminish the profits of the legal profession; and though professional men might be oftener employed than heretofore in the preparation of wills, yet he thought it far better that a small fee should be expended for such a purpose, than that thousands of pounds should be expended in, and the family be impoverished by, litigation, which was too frequently the case now. The statute of frauds required witnesses to the execution of wills relating to real property, and he thought that the same solemnities should be required and the same care taken against fraud for each, and this was all that the present bill provided. At present there was this anomaly, that the same will might be bad as regarded real property, whilst it was good as regarded the personalty included in it. The present Bill only required two witnesses; it did not render professional assistance absolutely necessary, and it led to no publicity. He hoped, therefore, that after the mature deliberation which had been given to it, and the high sanction which it had received, that it would be allowed to pass that House. The hon. and learned Gentleman concluded with saying, that he should oppose the amendment of the hon. Baronet, both as regarded the time at which the Bill should come into operation and as regarded the general principle.

Mr. *Tooke* did not intend to oppose the Bill going into Committee, as there was much in it that he approved of, but to many of its clauses he could not give his consent without great alteration.

Dr. *Lushington* had no doubt that the passing of this Bill would render the wills of the humbler classes of society more valid than they were under the present state of the law, for it was notorious that they were in the habit of having attestating clauses without the signature of witnesses. He had had at least fifty cases of this kind come before him during the present year. He denied that this Bill would increase the expense of making wills, and at any rate it would greatly diminish litigation. The only objection that he had heard against this Bill was the difficulty of procuring two witnesses to a will—an evil which he did not believe could exist.

The House went into Committee.

On the 7th clause being proposed,

Sir R. Inglis moved its omission.

The Committee divided on the clause:—
Ayes 80; Noes 2; Majority 78.

THE FIRST DIVISION.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Alsager, Captain
Baring, F. T.
Beauclerk, Major
Benett, J.
Bewes, T.
Biddulph, R.
Blake, M. J.
Boldero, H. G.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Buller, Sir J. Y.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Collier, J.
Crawford, W. S.
Dalmeny, Lord
Dennistoun, J.
Ebrington, Viscount
Elley, Sir J.
Elphinstone, H.
Evans, G.
Farrand, R.
Fergus, J.
French, F.
Gaskell, D.
Gordon, R.
Goulburn, Sergeant
Graham, right hon. Sir J.
Grey, Sir G.
Hawes, B.
Hay, Sir A. L.
Howard, R.
Howick, Viscount
Hume, J.
Jervis, J.
Knatchbull, right hon. Sir E.
Knight, H. G.
Labouchere, rt. hon. H.
Lefevre, C. S.
Lefroy, right hon. T.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lewis, D.
Lushington, Dr.
Lynch, A. H.
Macleod, R.
Murray, right hon. J. A.
Palmerston, Viscount
Parker, M.
Parker, J.
Parnell, right hon. Sir H.
Pease, J.
Pendarves, E. W. W.
Pigot, R.
Potter, R.
Rice, right hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Seale, Colonel
Seymour, Lord
Shaw, right hon. F.
Sinclair, Sir G.
Smith, R. V.
Tancred, H. W.
Thomson, right hon. C. P.
Thornley, T.
Tooke, W.
Townley, R. G.
Vivian, J. E.
Ward, H. G.
Williams, W.
Woulfe, Sergeant
Wyse, T.
Young, G. F.

TELLERS.

Steuart, R.
Wood, C.

List of the NOES.

Halse, J.
Hinde, J. H.

TELLERS.

Inglis, Sir R. H.
Plumptre, J. P.

Clause agreed to.

On Clause 9,

Sir *R. Inglis* proposed the addition of a proviso to the effect that any will of personal estate written wholly by the testator, and dated either in the introduction or at the close, or in any part thereof, and signed by him at the foot thereof, shall be valid to all intents and purposes, without need of any acknowledgment before witnesses, or any attestation thereof.

The Committee divided:—Ayes 15; Noes 65: Majority 50.

THE SECOND DIVISION.

List of the AYES.

Beauclerk, Major
Collier, J.
Crawford, W. S.
Goulburn, Sergeant
Hinde, J. H.
Hume, J.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
North, F.
Seale, Colonel
Tooke, W.
Townley, R. G.
Tulk, C. A.
Vivian, J. E.
Wilson, H.

TELLERS.

Plumptre, J. P.
Inglis, Sir R. H.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Alsager, Captain
Benett, J.
Bewes, T.
Blake, M. J.
Brocklehurst, J.
Brotherton, J.
Buller, Sir J. Y.
Burrell, Sir C.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Corbett, T. G.
Dalmeny, Lord
Ebrington, Viscount
Elley, Sir J.
Elphinstone, H.
Euston, Earl of
Forster, C. S.
Gaskell, D.
Gordon, R.
Graham, right hon. Sir J.
Grey, Sir G.
Hindley, C.
Hobhouse, right hon. Sir J.
Hogg, J. W.
Howard, R.
Howard, P. H.
Howick, Viscount
Jervis, J.
Knight, H. G.
Lefevre, C. S.
Lefroy, right hon. T.
Lennox, Lord G.
Lennox, Lord A.
Lewis, D.
Lushington, Dr.
Lynch, A. H.
Macleod, R.
Morpeth, Viscount
Murray, right hon. J. A.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parker, J.
Parnell, right hon. Sir H.
Pease, J.
Pendarves, E. W. W.
Potter, R.
Richards, R.
Russell, Lord, J.
Seymour, Lord
Shaw, right hon. F.
Smith, V.
Steuart, R.
Tancred, H. W.
Thomson, right hon. C. P.
Thornley, T.
Verner, Colonel
Williams, W.
Wood, C.
Woulfe, Sergeant
Young, G. F.

TELLERS.

Labouchere, rt. hon. H.
The Solicitor-General

The clause agreed to, as were the remaining clauses, House resumed and the report brought up.

EXCISE ACTS (BEET-ROOT SUGAR.)] The House in Committee on the Excise Acts.

Mr. *Poulett Thomson* moved, that a duty of 24*s.* per cwt. be charged on Sugar manufactured from Beet-root. He said he moved the resolution to enable him to bring in a bill to levy the duty through the medium of the excise department. Hitherto very little Beet-root had been grown in this country with a view to the manufacture of Sugar; but lately some attempts had been made to create a trade in Beet-root Sugar, and, unless some measure on the subject was adopted by Parliament, those attempts must, considering the present duty on Colonial Sugar, be attended with success. A duty of 24*s*. per cwt. was charged on Colonial Sugar; and as the price of Sugar, independent of the duty, varied from 24*s*. to 34*s*., the average charge to the consumer was, duty included, about 54*s*. per cwt. It was clear, therefore, if Beet-root Sugar could be manufactured and sold for 54*s*. per cwt., that, though the consumer would enjoy the benefit of a reduction of price, the revenue would be defrauded to a considerable extent. He would not at the present moment enter into the question whether the existing duty on Sugar was too high or too low; but the revenue of 5,000,000*l*. supplied by Sugar must, it was obvious, be raised somehow or other; and if the manufacture of Beet Root Sugar was allowed to go on untaxed, the consumer would not be able to obtain the article materially cheaper, but the large revenue which he had just mentioned would run a risk of being entirely lost. In fact, the duty on Colonial Sugar would serve as a bounty on the manufacture of Beet-root, unless a similar duty was imposed on the latter production; and it was for this reason he called on the Committee to adopt the resolution he had proposed.

Mr. *Hume* objected to the motion on several grounds. He thought it impossible to introduce a new excise regulation which was to operate through the whole country at a time when Parliament was about to expire. There was no such pressing necessity for the measure, and it was one of so much importance that, in his opinion, it ought to be reserved for the meeting of Parliament when the House was full. He did not see that any great injury would result from a postponement of the question. He begged to ask why agriculture was to be deprived of the benefit which it would enjoy if the cultivation of Beet-root for the manufacture of Sugar were encouraged? Another suggestion he had to make was, that the duty of 24*s*. per cwt. be reduced. He wished the right hon. Gentleman would inform the House whether Beet-root Sugar had been made in any quantity, and at what expense? One of the grounds of his objection to the resolution was, that there was no information whatever before the House to enable them to form an opinion on the subject.

Mr. *Poulett Thomson* said, he had been asked if any facts had come to his knowledge that induced him to press the Bill this Session? To this question he must reply that such facts had come to his knowledge. An attempt had been made in Ireland and another in the neighbourhood of London to establish the manufacture of Beet-root Sugar, and a considerable amount of capital had been invested in the undertaking. These parties might come forward and ask for compensation if a law were passed which put an end to their manufacture. Before, however, it was established he and his right hon. Friend the Chancellor of the Exchequer, had stated, that if an attempt were made to manufacture Beet-root Sugar in this country, in consequence of the bounty afforded by the duty on foreign sugar, they should consider it their duty at once to bring in a Bill to impose a duty on the Beet-root Sugar. The parties who had engaged in the manufacture now said, though such a statement was made in Parliament, they unfortunately did not know anything about it. He thought it necessary for Parliament under these circumstances to interfere at the earliest possible moment, and pass a law which would put an end to any such pretensions. The hon. Member for Durham asked, why impose a duty of 24*s*? His answer was, because that amount of duty was imposed on West Indian sugar. He objected to bolstering up the manufacture of this country, and maintaining it at the expense of the revenue. The artificial manufacture of sugar from Beet-root was so expensive that but for the duty operating as a bounty the Beet-root Sugar could not compete with the West Indian sugar. As regarded agriculture, he thought it would be an injury instead of a benefit to it to encourage the manufacture of Beet-root Sugar by such artificial manner.

The Committee divided:—Ayes 79; Noes 19: Majority 60.

List of the AYES.

Adam, Sir C.
Alsager, Captain
Angerstein, J.
Archdall, M.
Blake, M. J.
Bowring, Dr.
Brocklehurst, J.
Buller, C.

Burrell, Sir C.
Campbell, Sir J.
Chalmers, P.
Cole, hon. A. H.
Dillwyn, L. W.
Donkin, Sir R.
Elley, Sir J.
Euston, Earl of
Forster, C. S.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Grey, Sir G.
Grimston, hon. E. H.
Harvey, D. W.
Hay, Sir A. L.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hogg, J. W.
Howard, R.
Howick, Viscount
Hutt, W.
Jackson, Sergeant
Inglis, Sir R. H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Labouchere, rt. hon. H.
Lambton, H.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lennox, Lord G.
Lennox, Lord A.
Mackenzie, T.
Macleod, R.
Martin, T.
Morpeth, Viscount
Murray, rt. hon. J. A.
North, F.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parnell, rt. hon. Sir H.
Pechell, Captain
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Seymour, Lord
Shaw, right hon. F.
Smith, R. V.
Stanley, E. J.
Steuart, R.
Stuart, V.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hon. C. P.
Townley, R. G.
Verner, Colonel
Vyvyan, Sir R.
Wigney, J. N.
Williams, W. A.
Wood, C.
Wood, Alderman
Woulfe, Sergeant
Young, G. F.

TELLERS.

Gordon, R.
Parker, J.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Buller, Sir J. Y.
Collier, J.
Crawford, W. S.
Ellice, E.
Elphinstone, H.
Hastie, A.
Hindley, C.
Howard, P. H.
Jervis, J.
Pease, J.
Potter, R.
Thompson, Colonel
Tulk, C. A.
Vigors, N. A.
Wallace, R.
Williams, W. A.
Wilson, H.

TELLERS.

Beauclerk, Major
Hume, J.

Resolution agreed to. The House resumed.

COMMON LAW COURTS BILL.] The *Chancellor of the Exchequer* moved the third reading of the Common Law Courts Bill. When the measure was last under consideration, he had intimated his opinion that, in conformity with the opinion of the Commissioners on the subject, the number of officers in those courts should be reduced. He had since, however, had communications on the subject with Lord Denman, Sir Nicholas Tindal, and Lord Abinger; and they had assured him, that the number of officers now employed were essential to the satisfactory discharge of the business of the courts. To those representations he had felt it his duty to yield; but he had prepared two clauses; the one providing, that in the event of a vacancy among the officers of the courts in question, that vacancy should not be filled up without a certificate from one of the chief judges of the necessity of filling it up, and without the sanction of Parliament; the other, providing that no compensation should be granted, except in certain cases.

Mr. *Harvey* opposed the Bill, condemning the departure from the recommendation of the Commissioners. He objected, moreover, to this Bill, because it went, in the face of the recommendation of a Commission which sat for a long period, to create three situations with salaries attached to them, of 1,200*l.* each. The whole of this was a judicial job. It was said, fifteen officers were necessary, though the Commission declared twelve sufficient. He contended, it was most improper to set aside the recommendation of the Commission, made upon the representation of the judges. He objected to the mode of granting the certificate by the judges, inasmuch as this might lead to great abuse, because they might certify to their sisters' sons, or other parties equally nearly related. The appointment of the three additional officers ought, surely, to be delayed till it was found whether they really were required. He should feel it his duty to take the sense of the House, with reference to the creation of these three additional officers.

Mr. Sergeant *Goulburn* said, that this Bill was brought in in pursuance of the recommendation of a Commission, of which he (Mr. Goulburn) had the honour to be Chairman. The hon. and learned Member for Southwark, had not opposed the measure until the last occasion, when he made a speech precisely similar to that which he had first made. With reference to the appointments which had been made of relations by the judges, would the hon. Gentleman say they were not fully competent to the duties of the offices to which they were appointed, or were not fit and proper persons to be so recommended? He denied, that the salaries of 1,200*l.* a-year each were too high. The object of the Bill was to reduce the creation of new offices by aged persons holding offices under the courts;

and, assuredly, the proper persons to fill up the vacancies as they occurred, were the judges of the land.

Mr. *Hodgson Hinde* thought the House was bound to abide by the recommendation of the Commission to limit the number of officers to twelve; and unless he heard something more satisfactory than had fallen from the learned Sergeant, he would vote for the amendment.

Bill read a third time.

A clause, by way of rider, was brought up.

Mr. *Tooke* concurred in everything which had fallen from the hon. and learned Member for Southwark, because the creation of these three additional appointments, contrary to the recommendation of the Commission, was a most outrageous job. He would take this occasion of asking, how it happened that the recommendations of the Commission, in regard to the Crown-office, had not been acted upon and framed into a Bill? Had this been done, there would have been some consolation for the expense which this Commission would cost the country.

The *Attorney-General* complained of the course pursued by the hon. Member for Truro. He believed, that the judges of the land had acted upon the purest and most conscientious feeling. The business in the taxation of costs in the courts, in consequence of recent regulations, had been much increased; and as the duties of their officers would, in a great degree, apply to this branch of business—though he had the highest respect for the recommendation of the Commission—the additional number of three was not too great. He protested against the attempt made, to impugn the motives of the judges in reference to these appointments.

The House divided on the clause:—Ayes 39; Noes 17: Majority 22.

List of the AYES.

Adam, Sir C.
Alsager, Captain
Baring, F. T.
Buller, Sir J. Y.
Campbell, Sir J.
Chalmers, P.
Dillwyn, L. W.
Ebrington, Viscount
Elphinstone, H.
Ferguson, Sir R. A.
Forster, C. S.
Gordon, R.
Goulburn, rt. hon. H.
Hawes, B.
Hodges, T. L.
Howard, P. H.
Howick, Viscount
Jackson, Sergeant
Inglis, Sir R. H.
Knight, H. G.
Law, hon. C. E.
Lefroy, right hon. T.
Lennox, Lord G.
Morpeth, Viscount
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Rice, right hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Rushbrooke, Colonel
Shaw, right hon. F.
Stanley, E. J.
Steuart, R.
Stewart, P. M.
Tancred, H. W.
Thomson, rt. hn. C. P.
Westenra, hon. H. R.
Woulfe, Sergeant

TELLERS.

Goulburn, Sergeant
O'Ferrall, R. M.

List of the NOES.

Aglionby, H. A.
Beauclerk, Major
Bewes, T.
Blake, Martin Jos.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Chichester, J. P. B.
Crawford, W. S.
Hinde, J. H.
Hume, J.
Maher, H.
Pease, J.
Pechell, Captain
Thompson, Colonel
Vigors, N. A.
Wallace, Robert

TELLERS.

Harvey, D. W.
Tooke, W.

Clause agreed to. Bill passed.

HOUSE OF LORDS,

Wednesday, June 28, 1837.

MINUTES.] Bills. Read a second time:—Dublin Police. Petitions presented. By the Duke of BUCCLEUGH, from Edinburgh, for the Recovery of Small Debts Scotland Bill.

HER MAJESTY'S ANSWER TO THE ADDRESS.] The Duke of *Argyll* brought down and read the answer of the Queen to their Lordships address as follows:—

"VICTORIA R.

I receive with great satisfaction your loyal and dutiful Address. It is gratifying to me to learn that the House of Lords will apply itself without delay to forward such measures as will not admit of postponement without injury to the public interest, and to make such provision for the public service as may be requisite for the welfare of the United Kingdom."

MARRIAGE AND REGISTRATION ACTS.] The Lord Chancellor moved the third reading of the Marriages and Registration Act Amendment Bill.

The Bishop of *Hereford* was understood to say, that the clergy of the Church of England intended to continue marrying by publication of bans, as heretofore. He thought there was some ambiguity in the 18th Clause of the original Bill, and added that there was no necessity for interfering with the Dissenters, but he would contend that the Church of England ought not either to be interfered with. He was not then prepared to suggest a remedy, but he objected to further restraints upon the members of the Church.

The Earl of *Shrewsbury* expressed a hope that the House would consent to retain the 33d Clause, which had been struck out in conformity with the motion of a right hon. Prelate yesterday, during his (Lord Shrewsbury's) absence. In the Act of last year the words "separate buildings" had been introduced, the effect of which had been entirely to exclude the Roman Catholics from its operation, inasmuch as there were very few chapels belonging to that persuasion which did not form a part of some school, college, or mansion. The clause which he desired to retain would remedy this defect, and he should therefore move its re-introduction.

The Earl of *Malmesbury* suggested, that as points of objection were raised up, which had not been urged before, it would be better to adjourn the debate till to-morrow, in order to give time for the consideration of those objections. It would be hard that the Roman Catholics should be excluded from the benefits of the Act, which was intended for the relief of all who dissented from the Established Church.

The *Lord Chancellor* said, that the delay suggested by the noble Earl might have the effect of defeating the Bill altogether, for it was necessary that the Bill should become a law on the 1st of July.

Lord *Ellenborough* had no objection whatever to the Roman Catholics partaking of that relief which the Bill intended for them, as well as for other parties dissenting from the Established Church, for he was sure that they would make no improper use of the houses which might adjoin their places of worship. His only difficulty was, that the amendment suggested by the noble Earl would make a distinction between Catholics and other Dissenters, which, he believed, had not hitherto been made by Parliament.

The Earl of *Malmesbury* said, that the difficulties in which the House was placed with respect to this Bill arose from the very late period at which it had been sent up to their Lordships from the other House, from which it was received only on the 19th of the present month. Their Lorships had not had time for its due consideration, and they were now told that if they did delay to consider some important parts of the Bill, they would endanger its not passing within the time fixed for its becoming a law.

The Bishop of *Hereford* said, that his objection to the discussion of the suggested amendment at present was, the absence of the most rev. Prelate who had objected to the clause, and who would no doubt have attended if he had thought that any further discussion on the measure was expected. With respect to the proposed amendment, he could assure the noble Earl that he had not the smallest possible objection to it; on the contrary, he would cordially support any clause which would enable Roman Catholics to marry in their own chapels according to their own religious rites, for their Lordships had a general assurance in the great strictness of the Roman Catholics in the observance of their religious rites, that no improper use whatever would be made of any building adjoining to their places of worship. It appeared to him, however, that the suggested amendment would make a general rule for Dissenting as well as Roman Catholic places of worship, and to such general rule he could not consent.

The Earl of *Fingall* thought, that the difficulty might be got over by the insertion of the words "or buildings appointed to Catholic worship." Unless some such words were introduced, the Catholics would be deprived of the benefits which the Bill intended to give them, for their Lordships were well aware that the Chapels of the Roman Catholic nobility and gentry and many public places of Catholic worship were attached to private residences or other buildings.

Lord *Lyndhurst* said, that the present Bill afforded another illustration of the manner in which Bills were sent up from the other House. This Bill had been brought into the other House on the 21st of April, and was sent up to their Lordships on the 19th of June. The other House had had two months for its consideration, and yet their Lordships were expected to get it through in six or seven days.

Debate adjourned.

HOUSE OF COMMONS,

Wednesday, June 28, 1837.

MINUTES.] Bills. Read a third time:—Metropolis Police Officers.—Read a second time:—Copyright; Court of Exchequer Scotland.—Read a first time;—Church Building Acts in continuation; Masters and Workmen Arbitration; Church appointments suspension.

BONDED CORN.] Mr. Robinson moved that the Bonded Corn Manufacture Bill be committed.

The Marquess of Chandos moved as an

amendment that the Bill be committed that day three months.

Sir *E. Knatchbull* felt bound to give his most decided opposition to this Bill, especially at this period of the Session. It had been understood that no measure calculated to lead to a diversity of opinion would be proceeded with in the present Session, and he was surprised that a measure which he could not but regard as a step towards the repeal of the Corn laws should be thus persisted in.

Sir *J. Wrottesley* thought the House would do well to go into Committee. It was a measure upon which he was sure his agricultural friends had been much deceived; all frauds might be prevented, and a great boon conferred on the industrious classes and the shipping interests.

Mr. *Benett* was surprised the Government had thought fit to carry on this measure at the present moment, when they had stopped several other most important Bills. He thought it would have been advisable to have stopped this, for it was a question of very serious importance to the agricultural interests and one which made a deep impression on the minds of farmers, which hon. Gentlemen would very soon find out to be the case when they went down to their constituents. He had no attachment for the Corn laws, but considered they were necessary, in consequence of the situation in which the country had been placed by the existence of a national debt. He opposed the Bill, not because he was an enemy to free trade, but because he thought other things would have to be done before a system of free trade could be approached in the manner proposed by this Bill.

Mr. *Robinson* regretted the opposition that was given to this Bill. The noble Marquess had called it a Bill to facilitate the smuggling of foreign corn, but that was not the fact. His only object was to allow foreign corn to be ground under certain circumstances, and he thought it would be just as reasonable to impose restrictions on any other branch of trade as to continue the prohibition which was intended to be got rid of by this Bill. This was the only measure for the benefit of free trade which had been brought in during the present Session, and he must complain of the unfairness of the attempt now made on the part of Gentlemen connected with agriculture to strangle it under the unfounded pretence that it would lead to smuggling. He never had been an opponent of the Corn laws but certainly such conduct as this was calculated to promote the repeal of them.

Mr. *Poulett Thomson* felt called on to say a few words on the subject before the House, in consequence of what had fallen from the right hon. Baronet the Member for Kent. This was not a Government measure, and ought not to be regarded in any such light. It was a Bill brought in by the hon. Member for Worcester, over which the Government had no more control than any Member of that House. He had expressed his intention to support it, and the hon. Gentleman opposite had taken advantage of that circumstance. The right hon. Baronet the Member for Kent said, that they were bound to oppose the measure because the effect of it would be to get rid of the Corn laws by a side wind. Now, he would be no party to any measure having such an object in view. His opinion on the subject was well known. He would never consent to do away with the Corn-laws except by a direct vote, and therefore it was most unlikely that he would support any measure which would by indirect means accomplish such an object. It was on this principle that he had opposed the Bill on the same subject formerly introduced by the hon. Member for Worcester. He thought that measure would affect the interest of the corn growers of the country, and therefore he declined to give it his support. He, however, approved of the principle of the present Bill, and should support the motion for going into Committee on it, but with a view to propose certain alterations in its provisions for giving all the security which might be deemed necessary.

The House divided:—Ayes 57; Noes 82: Majority 25.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Bannerman, Alex.
Baring, F. T.
Barnard, E. G.
Bernal, R.
Bewes, T.
Blake, M. J.
Blunt, Sir C.
Brady, D. C.
Bridgman, H.
Brotherton J.
Byng, G. S.
Chapman, L.
Codrington, Admiral
Collier, John
Crawford, W. S.
Crawley, S.
Dennistoun, J.
Divett, E.
Dobbin, L.
Donkin, Sir R.
Dundas, J. C.
Ellice, right hon. E.
Ellice, E.
Elphinstone, H.
Fenton, J.
Fergus, J.
Ferguson, R.
Gaskell, D.
Grey, Sir G.
Harvey, D. W.
Howard, Philip H.
Hume, J.

Hutt, William
Lushington, Dr.
Maclean, Dr.
Murray, J. A.
Musgrave, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Parker, J.
Parnell, Sir H.
Pinney, William
Schofield, J.
Seale, Colonel
Stanley, E. J.
Stuart, R.
Strickland, Sir G.
Strutt, E.
Thomson, C. P.
Wakley, T.
Wallace, R.
Ward, H. G.
Williams, W.
Wrottesley, Sir J.

TELLERS.
Robinson, G.
Young, G. F.

List of the Noes.

Alford, Viscount
Alsager, Capt.
Alston, Rowland
Angerstein, John
Bagot, hon. W.
Baillie, H. D.
Barclay, C.
Bell, M.
Benett, J.
Blackburn, I.
Branston, T. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burton, H.
Chaplin, Col.
Clive, hon. R. H.
Colborne, N. W. R.
Compton, H. C.
Corry, right hon. H.
Crewe, Sir G.
Curteis, H. B.
Darlington, Earl of
Dillwyn, L. W.
Dugdale, W. S.
Eastnor, Viscount
Eaton, R. J.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Estcourt, T.
Ferguson, G.
Follet, Sir W.
Fox, C.
Gaskell, James Milnes
Gore, O.
Goring, H. D.
Graham, Sir J.
Greisley, Sir R.
Halse, J.
Hamilton, Lord C.
Harcourt, G. S.
Henniker, Lord
Hinde, J. H.
Hodges, T. L.
Hogg, J. W.
Jones, T.
Knatchbull, Sir E.
Knight, H. G.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lowther, J. H.
Lygon, Gen.
Mackenzie, T.
Manners, Lord C. S.
Morgan, C. M.
Palmer, R.
Palmer, G.
Perceval, Col.
Pigot, R.
Pollen, Sir J. W.
Poulter, J. S.
Powell, Col.
Power, J.
Pusey, P.
Richards, R.
Rushbrooke, Col.
Sanderson, R.
Sanford, E. A.
Shaw, right hon. F.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Smyth, Sir H.
Stanley, Lord
Townley, R. G.
Trevor, G. R.
Vere, Sir C. B.
Verner, Col.
Wilbraham, B.
Winnington, H. J.
Yorke, hon. E. T.

TELLERS.
Chandos, Marquess
Tyrell, Sir J. T.

Final Registration of Electors.] Mr. Elphinstone moved the second reading of the Final Registration of Electors Bill.

Mr. *Williams Wynn* opposed the motion. He thought it was unjust to send up such ill-considered measures to the other House at this period of Parliament.

Sir *E. Knatchbull* thought the Bill ought not to be proceeded with in the present state of the Session. He would agree to the second reading with a view of going into Committee to render the Bill perfect, in order to present it to the next Parliament, but not to pass it this Session.

The House divided:—Ayes 49; Noes 6: Majority 43.

List of the Ayes.

Baines, E.
Bannerman,
Barnard, E. G.
Bernal, R.
Bewes, T.
Blake, M. J.
Brotherton, J.
Callaghan, D.
Cavendish, C.
Codrington, Admiral
Collier, J.
Crawford, W. S.
Curteis, H. B.
Dennistoun, J.
Dillywn, L. W.
Ebrington, Viscount
Ellice, E.
Fenton, J.
Gordon, R.
Grey, Sir G.
Hindley, C.
Hodges, T. L.
Hume, J.
Jervis, J.
Lennox, Lord G.
Lennox, Lord A.
Macleod, R.
Musgrave, Sir R.
O'Ferrall, R. M.
Parker, J.
Pechell, Captain
Potter, R.
Poulter, J. S.
Seale, Colonel
Seymour, Lord
Stanley, E. J.
Steuart, R.
Strickland, Sir G.
Thomson, C. P.
Thornley, T.
Tooke, W.
Villiers, C. P.
Wakley, T.
Whalley, Sir S.
Williams, W.
Winnington, H. J.
Woulfe, Serg.
Young, G. F.

TELLERS.
Aglionby, H. A.
Elphinstone, H.

List of the Noes.

Dugdale, W. S.
Forster, C. S.
Gaskell, James Milnes
Hinde, J. H.
Richards, R.
Wynn, C. W.

TELLERS.
Sandon, Viscount
Knatchbull, Sir E.

HOUSE OF LORDS,

Thursday, June 29, 1837.

Minutes.] Bills. Read a third time:—Registration of Marriages Act Amendment; Post-Office Management.—Read a second time:—Foreign Officers.—Read a first time:—Robbery; Burglary; Piracy; Burning Ships; Transportation for Life; Limitation of Actions; and Tithe Commutation Act Amendment.

Marriage and Registration Acts.] The *Lord Chancellor* moved the Order of the Day for resuming the adjourned debate on the Marriages and Registration act amendment Bill.

The Earl of *Shrewsbury* moved a clause providing that every Roman Catholic chapel licenced and used as a Roman Catholic chapel be taken to be a separate building. The noble Earl in proposing to insert words to the above effect, said, that there appeared to him no objection to making a specific exception in favour of Roman Catholics. Quakers and other Dissenters were especially named, and he saw no reason why Roman Catholics might not be named also; at all events they ought to be left in as good a position as they were before, for, otherwise, marriage would be reduced to a civil contract.

Motion agreed to. Bill passed.

Post-office Management.] On the motion of the Earl of *Lichfield* the Post-office management Bill was read a third time.

Lord *Lyndhurst*, moved the additional clause to the effect that the legal rights of all parties who now had claims on the Post-office should be reserved.

The Earl of *Lichfield* said, that the claims of the parties alluded to by the noble and learned Lord were not more precluded by the present Bill than by the law as it at present stood. The claims of the individuals alluded to by the noble and learned Lord, were disputed by the post-office but the present Bill did not preclude the parties from urging them.

Lord *Lyndhurst* said, it did go to preclude those parties from prosecuting their claims. He was sure that the other House had not meant, in passing the Bill, to infringe on the rights of individuals; but if it could be shown that the Bill had that effect, he was sure their lordships would not consent to it. The case was this. Certain parties had a right to the tolls on Chatteris-ferry. That right had been recognised by more than one act of the Legislature, which mentioned it as a road adjoining a turnpike-road, thus making it distinct from the turnpike-road. The mails paid toll on this road or ferry until last year, when the post-office disputed the right; but this Bill went to decide the whole question. The bill abolished all tolls except those reserved by act of Parliament; but this particular toll was not so reserved. It was, therefore, unjust to the individuals concerned; and under these circumstances he trusted that their lordships would not sanction the measure unless a reservation was made of the rights of individuals. He would therefore persevere in his amendment to except any other legal title as well as those excepted by act of Parliament.

Amendment agreed to. Bill passed.

Irish Measures.] The Marquess of *Clanricarde* wished to put a question to his noble Friend. He wished to know what were the intentions of Government as to the Bills which had been introduced relating to Ireland. One of them, the Irish Municipal Corporation Bill, stood for Monday. There were also the Irish Tithe Bill, and the Irish Poor-law Bill. These, he supposed, would not be proceeded with; but he wished to know what was intended with respect to the public works (Ireland) Bill. That he thought a most useful measure. If that were not to be proceeded with, he wished to know whether it were intended to bring in any measure relating to public works in Ireland? There was likewise the medical charities (Ireland) Bill, and also the county treasurers Bill. He hoped that those two last-named Bills would be carried in the present Session.

Viscount *Melbourne* said, that his noble Friend had put a question which he himself had answered. As to the bills to which his noble Friend had alluded, he would say first, with respect to the Irish Municipal Corporation Bill, he saw no reason why that Bill should not go on. Considering its great importance, and the earnest anxiety with which it was looked to in Ireland, he thought it ought to be carried out; but when he recollected the opposition offered to that Bill in an earlier period of the Session, in the unusually large assemblages of their lordships, when, he repeated, he recollected that opposition, he had no hope of carrying the Bill in the present Session. He therefore had no intention of pressing it further. He might give the same answer with respect to the Irish Tithe Bill, and the Irish Poor-law Bill, for the due consideration of which he did not think the remaining portion of the Session would afford sufficient time. As to the Public Works Bill, his noble Friend must be aware that it had already passed that House, and was now waiting in the other House. With respect to the County Treasurers Bill, he hoped they would be able to go on with it, and to pass it in the present Session.

The Duke of *Wellington* said it was not his intention to enter into any argument with respect to the Irish Municipal Corporations Bill. In former discussions with respect to that Bill, he had stated his objections to it, not as to itself alone, but as connected with other Irish measures, he still retained the same objections. At the same time he must say, that it was his anxious wish to put an end to the discussion of all those Bills by bringing them to an amicable termination. He earnestly wished to put an end to the Tithe question which was introduced seven years ago. It was also his wish that some arrangement should be made for a provision for the poor in Ireland. It was his wish to see the corporation question settled, when arrangements could be made for carrying out the other questions connected with it. He was most anxious that the Parliamentary discussions that now occurred on those questions from year to year should be brought to a close; and he could assure the noble Viscount, that if in the next Parliament they should meet in the same relative positions, he should be prepared to concur with the noble Viscount on all those subjects in any reasonable measures he might introduce for their final and satisfactory settlement.

Education Charities.] Lord *Brougham* said, that after what had fallen from his noble Friend, the noble Viscount at the head of the Government, and after the observations of the noble Duke, he felt it necessary to state the grounds on which he should postpone the Bill which stood for the second reading on the orders. The Bill, as their lordships were aware, was divided into two parts, and he had hoped that that part which applied exclusively to education, and to which he had anticipated no objection, might have been passed in the present Session. He had hoped that they would have adopted that part, and given to the Commissioners the disposition of certain charitable funds while they reserved the higher powers, which he thought the Commissioners ought to have for more mature consideration at another period. His reason, however, for postponing that part for this Session, was not the state of the business in the House, but because he thought it necessary to wait until they knew the extent of the power necessary to be given to the Commissioners; for until they knew that, they would not be able to decide how the Board should be filled up. No time, therefore, would be saved by urging the Bill in the present Session. At the same time he must impress on the attention of their Lordships, the necessity of making some legislative effort, as early as the state of business in the next Parliament would admit, for carrying out this great object of education. Other countries, which did not possess half our advantages for carrying out the principle of general education, had got the start of us in endeavours to do so. France, to its great credit, was making rapid strides in that way. In Saxony, the population of which did not exceed a million and a-half, there were 280,000 children at school. The same principle was carried out, though to a somewhat less extent in proportion to the population, in Prussia. In that country, they were actually teaching 2,000,000 of children between seven and fourteen years of age. In those countries, our superiority to which we were constantly boasting of, there was a greater number of children educated than here compared to our population, though the system of education was not so good. At the same time, our general system was by no means a good one. We had many schools, but it was only by courtesy we could call them a system of education. He felt, that the superintendence of a general system of education ought to be placed under one of his Majesty's Ministers, whether under the name of a Minister of Instruction, or any other designation. No one entertained the least doubt, that a Minister of the Crown ought to be at the head of this department. The plan of this Bill was, that there should be a board of paid Commissioners holding their places for life, and only removable, like the judges, for misconduct, with a Minister of the Crown at the head of the department. This was the foundation of the measure, to which he might add one other, and the most important consideration of the whole —that the measure was so framed as not to interfere with the exertions of individuals, and so as not to form a substitute for those exertions, and, above all, in order to provide against the possibility of oppression and abuse. He could not help expressing his disappointment at the necessity of postponing this measure, but he derived very great satisfaction from the fact, that the more this plan was considered, the more acceptance it had found in all parts of the country.

The Marquess of *Lansdowne* entirely concurred with his noble and learned Friend, in postponing this measure; but he should feel extremely sorry, if it were supposed that his noble and learned Friend's measure were deferred from any hesitation on the part of their Lordships, in affirming its principle, so far as the measure related to education, and so far as it recognised the necessity of there being some State authority for perfecting and advancing the system of education which existed in this country. There were, certainly, difficulties in the way, which every one was aware of, but he thought that it was impossible to go into the general subject of education, without coming to the conclusion, that the constant exercise of something like an effective government authority, was required to prevent schools being diverted to some other objects than those for which they were originally instituted, and from becoming in their objects and character mischievous or nugatory altogether. It was impossible to refer to the details so ably collected by the Statistical Society of Manchester, with regard to the state of education in that town and Liverpool, without becoming convinced how much of education was going on of a merely nominal character. He was most anxious, as far as he was concerned, to affirm the principle of this Bill, as far as it related to education; and he should be prepared, in the next Session of Parliament, to apply himself to the consideration of the subject, feeling that it was one which, to a greater or less extent, must be taken under the superintendence of the Government.

Subject dropped.

SUCCESSION TO THE CROWN.] The *Lord Chancellor* moved the first reading of the Succession Bill, but the object of which was collected to be, to make a provision for carrying on the Government of the country in the event of a demise of the Crown while the next heir was out of the country. The Bill contained similar provisions to those which were made by the statute of Queen Anne, with a similar object.

Lord *Brougham* reminded his noble and learned Friend, that by the Act of Anne it was made high treason to say anything in favour of the title of the next heir to the Throne.

Bill read a first time.

DISSOLUTION OF PARLIAMENT ON THE DEMISE OF THE CROWN.] The Earl of *Mansfield* remarked, that the noble and learned Lord had lost no time in preparing this measure, not being deterred by any false notions of delicacy from reminding the Sovereign of that common failing to which prince and peasant were alike exposed, and at the same time not relying too confidently on those anticipations which, if events turned out consonant to our wishes, in all probability would not occur. In providing, however, for that possible event, a demise of the Crown, and the circumstances in which the nation might be placed by that event, he would suggest to the noble Viscount opposite the propriety of taking into his consideration the policy of continuing that Act by which Parliament was not dissolved by the death of the Sovereign, but must sit, unless previously dissolved or prorogued, for six months only. He would submit to the noble Viscount the propriety of taking into his consideration whether any advantage had been gained through that enactment for the country. He did not propose to alter that law at present by a separate Bill, or to ingraft a provision to that effect on the Bill which the noble and learned Lord meant to propose for a second reading on Monday. He had found, however, in addressing persons on this subject, the inconveniences of the present law generally recognized. The noble Viscount admitted, that when a dissolution was once settled it was impossible to retain Members of Parliament in London, and in this way much public business was interrupted in its progress. Now, whether or not this disadvantage was counterbalanced by other advantages, he should not then inquire. This alteration might now be proposed with perfect propriety. Parliament was about to be dissolved, and it could not be objected to this Parliament that it had prolonged its own existence, which objection was made to the Parliament which passed the Septennial Act. Again, there was, he was happy to say, a prospect of a long reign, and therefore it was a subject which, inviting as it did, and claiming consideration, might yet not lead to a protracted discussion, which he admitted to be inconvenient. It was not his wish to elicit any answer from the noble Viscount at this moment. He felt that the alteration which he had suggested in the law would be beneficial to the country, and therefore he had thrown it out for the noble Viscount's consideration, although he fervently hoped that he should never live to witness its operation.

Viscount *Melbourne* said, the noble Earl had stated reasons why the present was the best time for making the alteration the noble Earl proposed, but he could not help thinking that there were reasons on the other side which made him still more doubtful as to the prudence and propriety of making it at all. Whether it were right or wrong, it would be a great constitutional alteration—a great change—an infringement upon popular power and popular rights—a change which would deprive the people of an opportunity of expressing the popular will—and he therefore felt exceedingly doubtful whether it would be prudent to take this occasion of making the alteration suggested. In a Parliament, the expiration of which was settled and doomed, a fitting and proper opportunity could hardly be found for the discussion of so great a change and alteration in the law. It must be recollected that such a proposition would be interfering with the question of the duration of Parliaments, a question on which there existed a strong popular feeling. He would put it, therefore, to the noble Earl, whether there would not be some imprudence in stirring up a question which might lead to so much discussion, and whether there might not be some doubt whether the present was the most prudent or fitting time to make so great an alteration in the law.

Conversation terminated.

Poor-law.] Earl *Stanhope*, after presenting seven petitions from the west Riding of Yorkshire, praying for the repeal of the Poor-law Amendment Act, said, that the part of the subject to which he was desirous of calling the attention of their Lordships was so much less extensive than that which he had lately felt bound to bring before the House that it would not be necessary for him on this occasion to trespass on their Lordships' patience at any considerable length. The subject was also of far less importance as it was truly observed by a noble and learned Lord (Lord Brougham) not now in his place, that the saving, what ever it amounted to, afforded no justification whatever nor indeed any reasonable apology, for a measure which would be oppressive in its operation, and injurious to the poor. It had been said that if their lordships did not pass the Poor-law Amendment Act the old system would lead to a confiscation of the property of the country. He would say that their lordships had reason to dread such confiscation if this law were suffered to continue. In Chichester, for instance, the rates had been reduced to one-third of what they were before. In a parish immediately near his own residence a reduction had taken place from six shillings in the pound to three shillings; and in a parish in the Isle of Thanet the poor-rates had been reduced from 7*s.* to 4*s.* It was perfectly clear that there were many other circumstances which might produce a considerable reduction in the rates without the interference of the new poor-law. It might arise from an aditional demand for labour in consequence of the extensive public works which had of late years been undertaken, and the increased circulation of money from the operation of the joint-stock banks, and in a considerable degree from the unusually low price of provisions. If there had been a great deficiency of employment, and higher prices it would have been found utterly impracticable to carry the present law into execution. There had been a reduction in the poor-rates in the parish of Walsall, in the year 1822 nearly one-half, without the aid of the Municipal Commissioners or of Parliament. But such reductions were entirely owing to the facility of obtaining employment, and to the increased amount of wages. The reduction in the instances stated in the return on the table arose also in part from the alteration made in the law of settlement, and from the great saving of expense in litigation. These returns, moreover, did not contain a complete statement of the expense incurred as it was well known that considerable sums were spent in several parishes in the encouragement of migration and emigration which were not included in the Return. There were also other expenses which were not stated, namely, the sending the agricultural labourers wholesale to the manufacturing towns, where the labourers supported themselves by the industry of their children until they were disabled at an early age and returned to their parishes. Thus a considerable amount of expense was incurred by the parishes, which did not appear in the returns laid before Parliament The statement, to be correct, ought to be a statement of all the sums expended upon the poor. It was obvious that in some cases, and more especially when the former system was well administered, that the introduction of the new system would lead to much additional expense. They must build prisons, for such they were, call them as they might. He was ready to prove that they were prisons. He should like to know whether these prisons did not impose an additional burden? The principle of the former poor-law was strictly economical. If furnished the labourer with such relief as he required in cases of exigency, and it prevented him from becoming what he must inevitably become under the operation of the new law, a permanent burden upon the country. He had inquired in a parish near him into the practical operation of the new law, and the answer he received was, that the poor were much worse off and the rates increased. The petition which he had presented from Tiverton complained also of the enormous expense of the working of the new system. The noble Duke (Richmond) had said that this measure was favourable to the labouring poor and was popular with them. Was the noble duke disposed to subject that opinion to a fair trial [the Duke of *Richmond* "Yes,"] If the noble Duke, with his great influence from his official character of Lord-lieutenant from his large territorial possessions, and his personal character and conduct, would convene a general meeting of the landlords farmers, and labourers of Sussex, and would do him (Earl Stanhope) the honour of an invitation to be present, as otherwise he would have no right to be there, although he had no power of speech to stir men's minds he should feel it his duty to go there, and he should be greatly astonished if the result of such a meeting was not a resolution condemnatory in the highest degree of the new system. One of these petitions was from Tiverton which called upon their Lordships to take the complaints of the petitioners into serious consideration, and to apply such remedies as in their judgment were considered most necessary. They declared that the new Poor-law did not give satisfaction to the rate-payers or the paupers, and that the new workhouses, instead of being a refuge for the destitute, resembled houses of correction, in which poverty was treated as a crime. He had to assure their Lordships that not a single petition had been confided to him in which there was not a complaint against the bastardy clauses in the new Poor-law. The expenses incurred under the Act were very considerable. By one Return made to Parliament it appeared that the expenses of the establishment were 185,000*l.*, and that of in-door relief 104,000*l.*, making a total of 289,000*l.* By that expenditure it appeared that there were 18,000 and odd paupers supported at the rate of 15*l.* 6*s.* 10*d.* per annum for each, or at the rate of 5*s.* 10*d.* per week for every pauper. He considered that the new Poor-law was the effect of the workings of those mischievous persons, the political economists. He agreed in the petition that he had presented from Montgomeryshire, that the new Poor-law was contrary to the principles of humanity and of justice, and that it was deservedly disapproved of by the farmer, the labourer, the tradesman, and the operative. He concluded by moving that the petitions be laid on the table.

The Earl of *Radnor* thought, that the House, as well as the persons who had intrusted their petitions to the noble Earl opposite, had great reason to complain of that noble Earl's conduct; for, though he had had the petitions in his possession for a considerable time, he had, it appeared, refrained from presenting them at an early period of the Session, when, if the statements they contained were true, there would have been time to redress the grievances complained of, or, if the statements were false, to refute them. It was now, however, impossible for their Lordships to enter into any inquiry on the subject, or to correct the various misstatements which he (Lord Radnor) would venture to say had been made by the noble Earl. The other night the noble Earl had described himself as the representative of the labouring classes. [Earl *Stanhope:* I said I was acting as their representative.] Well, a most unfaithful representative of those classes the noble Earl had been. If the labouring classes were oppressed, as the noble Earl stated, to such a degree by the new Poor-law, he would have acted more fairly and justly by them by bringing forward their complaints at a time when they might have been redressed, than by endeavouring to excite their animosity against the law by declamations in that House, which, however satisfactorily they might have been replied to by other noble Lords, no opportunity could now be afforded for disproving. The noble Earl, like all other persons who complained of the operation of the new law, never condescended to inquire on the subject; they would not take the trouble to make themselves masters of the evidence which had been given before the Committee of the House of Commons, or to witness with their own eyes the practical results of the new Poor Act. The noble Earl had brought this accusation against the new law—that its object was to relieve the rate-payers; and the noble Earl said, that that was admitted to be the main object of the measure when it passed the Legislature. He happened to be present during the discussion of the Bill, and he asserted that such was not stated to be the principal aim of the measure. The noble Earl would never have made such a misstatement if he had been in his place in that House when the Poor-law Bill was brought under their Lordships' consideration. But the noble Earl did not choose to attend there to oppose a measure which he considered pernicious to the interests of this country, destructive of the security of property, and degrading to the lower orders. No; the noble Earl preferred to live in another country, which he said was much better governed, and yet he did not hesitate to describe himself as acting as the representative of the people of England! And what was it that the people of England were told by their acting representative?—that Germany, forsooth, where arbitrary Government existed, and where no representatives of the people, either virtual or actual, were to be found, was a better governed country than theirs; and that he desired to assimilate the British institutions to those of a foreign nation which was so dear to him. The noble Earl, in order to enjoy himself in the happy realms of despotic government, had abandoned those functions which he was born to exercise in his native country, had neglected the interests of those persons of whom he now boasted himself to be the acting representative, and, in consequence of his absence from their Lordships' House, was ignorant of what had actually taken place. Most of the noble Earl's statements were, consequently, erroneous, and the particular statement that the main object of the new Poor-law was to reduce the rates was borrowed from *The Times* newspaper, and from Cobbett's works. He was ready to admit that it was represented that an increase of the rates must ensue, unless some measure to amend the old law were passed; but he maintained that the principal ground on which the new law was supported—and the ground certainly on which he supported it—was, that it would tend to ameliorate the condition of the labouring classes. The noble Earl asserted that that result had not been produced, but the noble Earl did not choose to investigate the facts of the case. The noble Earl declined to be a guardian of the poor, for, if he chose, he might be a magistrate, and an *ex officio* guardian. He refused to place himself in a situation to redress the grievances which he said the poor in his neighbourhood laboured under, but having collected a vast number of statements from *The Times* newspaper, he came down to that House and made inflammatory speeches, calling upon the labouring classes to resist the Poor-law, which he described as illegal and unconstitutional, and using language which had a tendency to excite his constituents—the people of England—to acts of treason and rebellion. The noble Earl had expressed his conviction, that if a county meeting should be held in Sussex, he would be able to secure the adoption of a violent resolution against the Poor-law Act. He certainly believed it to be possible, that in a large collection of persons some clamour might be raised on this subject; but he was sure, that if the noble Earl would condescend to make inquiries among the industrious, honest labourers of this country, he would find that they were not dissatisfied with the operation of the Bill; on the contrary, they felt that it operated to their benefit. But if the noble Earl went among the vagabond and the dissolute, the keepers and frequenters of beer-shops, and the little shopkeepers who had been accustomed to extort money from the labourers, by charging fifty and sixty per cent. profit on their goods, he would undoubtedly be told that the new Poor-law was a bad law, and that it worked exceedingly ill. In addition to other charges against the new Poor-law, he was surprised that the noble Earl had not complained that it had effected an entire change in the appearance of the labourers. He wondered, that the noble Earl had not told their Lordships that, since his return from Germany, he found that the labourers had no longer ruddy faces, and that starvation was depicted in their countenances. The noble Earl predicted, that unfortunate consequences would flow from the Poor-law Act; but none of the petitions which he had presented, except that from Tiverton, ventured to state that any evil results had actually been produced. All the others dealt in anticipations of evils, which the petitioners imagined might possibly ensue. But in places where the law had been longest in operation—in Sussex, in Wiltshire, in Suffolk, in parts of Norfolk, and Berkshire, no grievances were felt, and the working of the measure had been most satisfactory to the people. It appeared, that the average annual expense of the poor in a certain number of parishes in Suffolk, for three years previous to the formation of the new unions, was upwards of 200,000*l.*; and, according to the account for the quarter ending on Lady-day 1836, which was the highest quarter in the twelve months, the annual expense of the same parishes was 88,000*l.*, showing a diminution of upwards of fifty per cent. He should observe, too, that, together with this saving, the condition of the aged poor, none of whom were forced into workhouses, was improved. The noble Earl had designated those workhouses, prisons; and at another time, called them, in a sarcastic tone, comfortable asylums. Prisons they were not, in any sense of the word. All the persons in them might quit them whenever they chose, and their departure was even desired by the parties who had the management of the workhouses. They were, in point of fact, *anti-prisons*—they were, in truth, comfortable asylums; and he would undertake to say, that if the noble Earl, without professing himself to be an enemy of the new law, would make inquiries among the inmates of those asylums, he would find that the aged and infirm were infinitely better off there than at their own houses. The expense of building new poorhouses had been commented on, but if, in spite of that charge, the poor had diminished, that circumstance only proved that the law had operated much better than could have been expected. The noble Earl had stated, that the Poor-law had come into operation under favourable circumstances; and that various large works now going on, had supplied subsistence to the unemployed labourers. The noble Earl greatly exaggerated the extent of the benefit thus produced. There had been 36,000 paupers in Suffolk; and he understood that the total number of persons employed on the Birmingham and Liverpool Railway, did not exceed 6,000. It could not, then, be supposed that the paupers of Suffolk and of other counties, had found employment in such a way. They had, in point of fact, found employment on the spot. The farmers, finding themselves relieved from the payment of a heavy rate, laid out some money in the improvement of the land, and consequently employed more labourers. In corroboration of his statement, he might mention, that the increase in the consumption of draining tiles, was very considerable during the last two years. The noble Earl said, that the Parliament, instead of passing the Poor-law Act, ought to have established a labour-rate. Now, he (Lord Radnor) could speak from experience as to the effects of a labour-rate. In a parish in Wilts, a labour-rate was established about three or four years ago, and the consequence was, that the poor-rate had increased sixfold, and the parish had now to contribute to the union in proportion to the increased average occasioned by the labour-rate. The last charge brought against the Poor-law Act by the noble Earl was, that it was the work of the political economists—a new-fangled set of people who had risen up of late years. He regretted, that the science of political economy had not been earlier understood in this country, for he believed that many of the evils which the country laboured under, arose out of a total ignorance of political economy. But the noble Earl carried his animosity against political economy beyond the limits of moderation. He objected even to machinery, and deprecated its use. [Earl *Stanhope:* The unrestricted use.] He should be glad to learn how the noble Earl proposed to restrict the use of machinery, for the same argument as was employed against the employment of the most complicated machinery, might be urged against the use of the simplest utensil; and it was rather extraordinary to hear the noble Earl declaim against what constituted the source of all the prosperity of those constituents of his in the West Riding of Yorkshire, from whom he presented a petition the other night.

The Duke of *Richmond* said, that if the noble Earl's statement were true that he possessed some influence in the county of Sussex and in the city of Chichester, he could only owe it to the conviction that the people of that county entertained, that nothing on earth would induce him to advocate a measure which he thought injurious to any class of his fellow-subjects. The people of Sussex knew, too, if they knew any thing of his character, that the attractions of twenty provinces in Germany, or any places in the world, would never induce him to quit his country when he thought any measure was likely to be introduced into Parliament calculated to injure the interests of the people. The inhabitants of Sussex knew that he devoted many days in the year to attendance at the board of guardians; and that it was not his habit to come to the House of Lords to excite the labourers to stand up against the law of the land, but that in his capacity as guardian of the poor he was always ready to attend to the statements of the labourers and to redress their complaints. He would not accept the challenge of the noble Earl to convene a general meeting of the inhabitants of the county, because he should be sorry to be obliged to tell the people of Sussex that the noble Earl had abandoned his duty in Parliament; and that he came among them, not for the purpose of investigation, but of exciting them against the law. He would, however, be extremely glad to accompany the noble Earl through the county for the purpose of examining the state of the workhouses and the condition of the poor, and if the noble Earl, instead of returning to the palaces of Germany, would condescend to visit the cottages of the poor of this country, he would undertake to convince the noble Earl that they were in a better position under the new law than they were under the old system. Many of the objections urged by the noble Earl to the new law applied with greater force to the state of things previously existing in several parts of the kingdom. For instance, in the union of South Birstead, which was under the operation of Gilbert's Act, the workhouse was situated ten miles distant from that parish, and the board of guardians met only once a-month. The members of the board were farmers, and though paid, had other business to attend to, whereas the relieving officer, appointed under the New Poor-law Act, had exclusively to attend to the state of the poor, and to make a Report to the board of guardians, which met once a-week. Under the new law, the board of guardians was chosen out of the middle classes, whom he regretted to hear the noble Earl call the enemies of the poor. In the parish which he had stated to be under the operation of Gilbert's Act, a pauper, if refused relief by the board of guardians at one of their monthly meetings, could not apply to a magistrate, but must go to the visitor, who actually resided at a distance of sixteen miles from the parish. This was undoubtedly a great evil, and if it had occurred under the new law, the noble Earl would scarcely have failed to comment upon it. But it was passed over in silence, because it took place under a law passed by an unreformed House of Commons. Indeed, it seemed that the noble Earl had lived so long under a despotic government, that he could not endure the Acts of a Parliament representing the people. With reference to the case of Chichester, which had been adverted to by the noble Earl as an instance of the excellent manner in which the poor might be attended to without the aid of the New Poor-law Act, he begged to inform their lordships that that city was not under the operation of the act of Elizabeth, but of a local act very closely resembling the new law in its provisions. Every rate-payer voted at the election of guardians; and it appeared from the evidence of the clerk to the board that no out-door relief was given, and that the inmates of the workhouse could not go in and out of the place as they pleased. But if they went into a comparison of the relative expenditure and the relief afforded to the inhabitants of Chichester and the union of West Hampnett, they would find the result to be in favour of the management adopted in the latter. In Chichester the population was 9,000, and in the union of West Hampnett it was 15,000. The average number of inmates in the workhouse of Chichester was 146; in the workhouse of West Hampnett 165; the expenses of the year ending March, 1837, were, in Chichester, 2,216*l.*; and in West Hampnett, calculating by the expenses of the last quarter, they were 5,300*l.* Now, if 146 were a fair proportion of persons to be taken into the workhouse at Chichester out of a population of 9,000, then the West Hampnett union would be justified in taking, on the same average, 243 persons, whereas the average had hitherto been 165, being a balance of seventy-eight in favour of West Hampnett. Again with, respect to expenditure, if 2,216*l.* were a fair amount of relief to be dispensed to a population of 9,000, then 9,963*l.* would have been a fair amount for a population of 15,000. Allowing, therefore, for argument sake, that the expese of the machinery at West Hampnett exceeded Chichester by even 400*l.*, then the union had expended 937*l.* more in propotion than Chichester. He thought that a debate in their lordships' House was better calculated to bring out the truth by thus comparing facts than inflammatory speeches on the hustings. In some unions it was the practice to give out-door relief in money, and in others it was given in bread, and this latter practice he more approved of, as it was safer, and in the case of families prevented that relief which was meant to provide the necessaries of life from being spent in the beer-shops, which had too often profited by that relief which was given in money. The noble Earl had stated, and in a sarcastic manner, that the aged and infirm were not better off than under the old system; but those individuals who had been called before a Committee of the House of Commons had said nothing in the way of complaint; all that they had said was, that out-door relief ought to be administered to able-bodied men. He would not say that this might not in some cases be done, but he thought the effect of it would be, that the farmer, knowing a labourer to be in receipt of money from the Poor-rates, would lower his wages in proportion; thus, if instead of 14*s*, the farmer only paid 10*s*. he would make those industrious people who contributed to the rates, pay for the labour of which he received the benefit. He wished further, to refer to what the noble Lord had said of the practice of paying medical men on each case in which they were consulted. He believed that in most of the unions medical men were appointed to whom a liberal salary was given; he had also good reason to believe that more medical assistance was provided than under the old system. He hoped the noble Lord would take the sense of the House from the numbers that were then present of those that were his usual supporters, and that he would take the advice that was thus silently conveyed. In conclusion he would challenge the noble Lord to bring forward the subject when Parliament again met.

The Earl of *Hardwicke* thought that the statements of the noble Lord had been fully answered. The noble Lord had said much about the present state of the agricultural classes, but he had not adverted to their state before the enactment of the present Bill. What was then the language of the landlords? That under the old system they could not go on; that they were borne down by the arrogance of the poor and by a labour-rate, and they begged to be relieved by legislative interference. He would not for one moment countenance a law that conferred a benefit on the middle and higher, at the expense of the lower classes, but he believed that the law had become necessary to check the improvidence of the lower orders. He believed also, that the new law had caused a diminution of crime.

Lord *Hatherton* said, that the refutation which the statements and arguments of the noble Lord had received was complete. The noble Lord had expressed a hope that the shackles which had been imposed on the agricultural, might not be put on the manufacturing classes; but the noble Lord appeared to forget that the system had been already applied to the manufacturing districts, and had been found to work well. From Warwickshire, Staffordshire, and other counties where it had been tried he had heard not a single complaint. Stoke-upon-Trent was an instance of the excellent working of the system; it contained a population of from 50 to 60,000, and during the late months there had been a strike amongst the workmen to the number of 30,000. It might naturally be supposed that under such circumstances the workhouses would have been overflowed, but he believed that the guardians of the poor had not experienced any difficulty, and he had heard no complaint either from them or from the mechanics.

Earl *Stanhope* begged most distinctly to deny, that he had ever influenced the getting up of any petition that had been intrusted to him. At Chichester the meeting had been convened by the mayor, and it was against his wish that a resolution was passed requesting him to present the petition to their Lordships. When invited to resume his place in that House by the largest and most important public meeting ever held in this country—he said the most important, because they conducted themselves with such order, regularity, and good temper, as was unprecedented in so large an assembly—he had felt bound to comply with the request—but so far from exciting the people to rebellion, or stirring them up to disaffection, he had taken no part in getting up that or any other meeting, and had attended none unless requested. It was easy to taunt him with wishing to breed confusion in the country, but what could he gain by such a course? His possessions were far smaller than those of the noble Duke or the noble Earl, but he was as unwilling to lose them as they could be to lose their splendid inheritances. The misery arising from civil discord would be such as no tongue could tell, or heart conceive, and he should be the most irrational and wicked of mankind, if he attempted to produce it. If he could be so insane and criminal as to wish to produce discord and confusion, he could pursue no course better calculated to attain that end than to uphold the New Poor Law. The experience of every day and hour confirmed his conviction, that that law had placed the torch under the property and institutions of the country, and with this belief it was his right and duty to use every possible legal and constitutional means of repealing it. The noble Earl had represented Germany as a country under arbitrary and despotic Government. Let the noble Lord say what he would, Austria had been happy under the paternal sway of the Emperor Joseph, and the grinding slavery of the New Poor-law was unknown there. He had been asked why he had not opposed the Poor-law Amendment Bill in its passage through the House, but he had previously seceded from parliament, and never expected to enter its walls again. He appeared among their lordships more as a conscript than a volunteer, and it might be supposed that he had now no great inclination to address unwilling audiences; but when the destruction of their lordships' House was inevitable unless this act were repealed, he felt it his duty to use every means in his power to effect that end. No man by law could be compelled to act as a guardian, and no humane man, he thought, ought so to act. The whole merit or demerit of carrying the law into execution ought to rest on the shoulders of those who supported it. The noble baron (Hatherton) seemed to think there would be no difficulty in carrying the New Poor-law into effect in the north of England. Upon this very grave and prudential matter he would abstain from giving any opinion; he would only say that the noble Earl, the Lord-lieutenant of the West Riding of Yorkshire, had stated that it would be utterly impracticable to introduce the law into that quarter. The noble earl had said, the opposition to the law was got up for party purposes; but so far as he (Lord Stanhope) was concerned, it was quite unconnected with such objects. The noble Duke seemed to think that he (Lord Stanhope) opposed this measure because he had opposed Parliamentary reform. The fact was, that he had voted for the second reading of the Reform Bill, though God forbid he should have voted for the Bill itself; and when he found that their lordships were threatened with the exercise of a most unconstitutional power, which in former and better days would have led to an impeachment, he withdrew himself from the House, and took no further part in the discussion of the measure. So far back as 1822 he had declared that Parliamentary reform was necessary, and that the demand for it would be irresistible, unless the grievances of the people were redressed. He had opposed a plan of reform not drawn out on sound principles or with due prudence; he wished for a fuller representation of all classes of the population, and thought it highly unjust that the labourers of England should be unrepresented. If the noble Earl (Radnor) were disposed, as the House might be led to conclude from some words that had fallen from him, to favour universal suffrage, he could adopt no plan so certain to ensure success as to maintain the new poor law. A noble Earl (Hardwicke) had suggested to him to move for a committee next Session to inquire into the working of the law. No Committee was needed to prove the law to be unconstitutional, nor could he wish for one that would ramble about the subject like the Committee appointed by that loyal, conscientious, and enlightened body, the House of Commons. He regretted to have been obliged to trespass on the attention of their Lordships longer than he had intended, and he begged to return his sincere thanks to those of their Lordships who had honoured him with their attendance, a small number, indeed as they now presented the singular spectacle of a House consisting entirely of speakers.

Petitions to lie on the table.

HOUSE OF COMMONS,

Thursday, June 29, 1837.

MINUTES.] Bills. Read a first time:—Bankrupt Commissioners (Ireland).—Read a third time:—Sugar Duties; Wills; Robbery; Burglary; Piracy; Burning Ships; Transportation for Life; Limitation of Actions; Tithes Commutation Act Amendment.—Read a second time:—Beet-root Sugar; Masters and Workmen Arbitration; Reform of Parliament Act Amendment (Ireland); Sheriff's (Scotland); Malt Duties Regulation; Ecclesiastical Appointment Suspension.

Petitions presented. By Mr. HUME, from Coffee-house keepers in London, for the reduction of the duty on Sugar; from Fife, for abolition of the Corn-laws; from London, and Tunbridge Wells, for free admission to public monuments.—By Mr. DENISTOUN, from Glasgow, for relief in distress.

THE MAGISTRACY OF IRELAND.] Mr. Sergeant *Jackson* presented a petition from the Deputy Lieutenants and three other magistrates of the county of Kerry, complaining of the conduct of Government in Ireland. They complained that a chief constable, named M'Donogh, had grossly insulted them on several occasions, that a memorial had been addressed to the Lord-lieutenant, and, after repeated applications, inquiry had been promised. After very considerable delay an investigation took place before the hon. Thomas Browne, Vice-Lieutenant of the county, and Mr. Shea Lalor, who had been a member of the Catholic Association, was sent by the Government to conduct it. All the charges brought by the magistrates against M'Donogh were established satisfactorily, and all the charges which M'Donogh alleged against them fell to the ground.

Lord *Morpeth* thought he could shortly and simply meet the statements contained in the petition, by merely reading a letter which within the last few days had been addressed, by command of the Lord-lieutenant, to the hon. Thomas Browne, Vice-lieutenant of the county of Kerry. The noble Lord then read the letter. The Lord-lieutenant, upon mature consideration of the evidence, was of opinion that the administration of justice in the district of Listowel, conducted as it had been, did not merit the respect and confidence of the public; and with respect to the conduct of chief constable M'Donogh, his Excellency considered that he had been guilty of great want of respect to the bench, and that his conduct was reprehensible, and he had commanded him to be reprimanded and removed from the station. With regard to two of the magistrates, his Excellency thought, that they had shown much indiscretion on the bench; and with regard to another, his Excellency considered that it would conduce much to the peace and quietness of the district of Listowel, if the Lord Chancellor were advised to remove his name from the Commission. His Excellency also intimated the intention of the Government to appoint a stipendiary to the magistrates of the district, and he condemned the practice proved to exist, of magistrates receiving gratuitous labour from the poor. It would appear from that letter that the delay arose entirely from accidental circumstances, and he was sorry to add, that the Report which was so anxiously called for, did not at all amount to an acquittal of the magistrates. He would lay upon the table the evidence taken respecting the case.

Petition laid on the table.

IMPRISONMENT FOR DEBT.] The Order of the Day was read for the House to resolve itself into a Committee on the Imprisonment for Debt Bill.

On the question that the Speaker do leave the chair,

Mr. *Shaw* observed, that the House was somewhat taken by surprise in this case. Many hon. Members who took a lively interest in this question were not in the House; and the hon. and learned Attorney-General could surely not seriously suppose that the Bill would be passed into a law this Session.

The *Attorney-General* observed, that his noble Friend the Secretary for the Home Department had in his (the Attorney-General's) own hearing declared, that this Bill would be proceeded with this Session, and he himself had yesterday given public notice that he would bring it on that day.

Sir *Edward Knatchbull* said, that the impression of the House decidedly was, that it was not intended to go on with it in the present Session.

Sir *Robert Inglis* protested against hurrying this measure through its stages, unless there really were a *bonâ fide* expectation of its being carried through the other House of Parliament.

The *Attorney-General* said, he could not boast of any understanding with the other House of Parliament; but he could declare that this Bill would go to the upper House in the fair expectation that it would pass this Session.

The House in Committee.

On Clause 32, to secure compensation to gaolers of prisons in certain cases,

Mr. *Williams Wynn* objected to the principle of compensation to gaolers; and, though he would not revert to what he had before stated fully, yet he must contend that if compensation were to be given in all these cases, it would be just as reasonable to contend, if the punishment of death in all cases should be abolished, that the last functionary of the law (the executioner,) in capital cases should be compensated for the loss which he might sustain.

The *Attorney-General* observed, that it was not intended to grant compensation in all cases. It was intended only to apply in the case of the warden of the Queen's Bench prison, or others who were similarly placed.

Clause agreed to.

The remaining clauses of the Bill were agreed to.

The House resumed, Bill to be reported.

FINAL REGISTER OF ELECTORS.] Lord John Russell moved the committal of this Bill.

Sir *Edward Knatchbull* objected at that period of the Session, and on the eve of a general election, to proceed with a Bill upon the merits of which there was so much diversity of opinion.

House divided:—Ayes 70, Noes 17: Majority 53.

List of the AYES.

Baines, Edward
Baring, F. Thornhill
Barry, Garrett Standish
Bernal, Ralph
Bowring, Dr.
Brotherton, Joseph
Byng, right hon. Geo. Stevens
Callaghan, Daniel
Campbell, Sir John
Chalmers, Patrick
Chapman, Lowther
Curties, Herbert Barrett
Denison, J. Evelyn
Dennistoun, J.
Dillwyn, Lewis Weston
Donkin, Sir Rufane
Duncombe, Thomas
Dundas, hon. John C.
Ellice, rt. hon. Edw.
Fenton, John
Gordon, Robert
Grey, Sir George
Grey, hon. Colonel
Grote, George
Hawes, Benjamin
Hay, Sir Andrew Leith
Hindley, Charles
Hutt, William

Jephson, Charles D.O.
Labouchere right hon. Henry
Lennox, Lord George
Lennox, Lord Arthur
Maher, John
Morpeth, Viscount
Mullins, Frederick William
Murray, right hon. John A.
Musgrave, Sir Richard
Parker, John
Parnell, right hon. Sir Henry
Pease, Joseph
Ponsonby, hon. John
Potter, Richard
Power, James
Price, Sir Rob.
Rice, right hon. Thomas Spring
Rolfe, Sir Robert Monsey
Russell, Lord John
Scrope, Geo. Poulett
Seale, Colonel
Seymour, Lord
Sheil, Richard Lalor
Smith, Robert Vernon
Stanley, Edw. John
Steuart, Robert
Strickland, Sir George
Strutt, Edward
Thompson, Colonel
Tulk, Chas. Augustus
Vigors, Nicholas Aylward
Walker, Richard
Wallace, Robert
Ward, Henry George
Whalley, Sir Samuel
Wilbraham, George
Williams, William
Winnington, H. J.
Wood, Charles
Wood, Mr. Alderman
Woulfe, Mr. Sergeant
Wyse, Thomas

TELLERS.

Mr. Hume
Mr. Elphinstone.

List of the NOES.

Alsager, Captain
Barclay, Charles
Canning, right hon. Sir Stratford
Clive, hon. Robert Henry
Cole, Viscount
Duncombe, hon. A.
Fox, Charles
Gaskell, Jas. Milnes
Goulburn, right hon. Henry
Goulburn, Mr. Sergeant
Henniker, Lord
Inglis, Sir Rob. Harry
Jones, Theobald
Mackinnon, Wm. A.
Perceval, Colonel
Rushbrooke, Col.
Stanley, Lord
Vere, Sir Charles Broke

TELLERS.

Sir Edw. Knatchbull
Mr. Estcourt

House in Committee.

Lord *Stanley* asked whether it was intended to extend the provisions of this Bill to Ireland?

Mr. *R. Steuart* said, that the provisions of the Bill would not apply to the voting at elections in Ireland, but it was intended they should apply to all Irish election Committees.

Lord *Stanley* observed, that if that was the case, he hoped the Committee would consider for a moment how injurious this Bill might possibly be to the parties before an Irish Election Committee, inasmuch as the system of Irish registration stood upon a very different footing from that which existed in England. It was admitted that the Irish registration was so defective that, except the matter were brought before a Committee of the House of Commons, it was impossible to obtain any relief whatever against fictitious votes, there being no appeal from the original decision of the barrister.

The Clauses of the Bill agreed to. The House resumed.

BILLS OF EXCHANGE.] Mr. Grote moved that the House resolve itself into Committee on this Bill.

Viscount *Sandon* was not himself competent to discuss the question involved in this Bill, but he understood that it involved a great alteration in the law of the land. If so, he thought it ought not to be brought forward in the absence of Gentlemen on his side of the House who were fully able to enter into the merits of the subject.

The *Chancellor of the Exchequer* said, that the object of this Bill was one which deeply interested the commercial community; and the measure itself had been much pressed by the commercial interest on the Government. The clause inserted in the Bank Charter which legalised the discounting of bills not exceeding three months' date at a higher rate of interest than five per cent. (and to that extent repealing the usury laws) had been proved in the recent crisis to be extremely beneficial, and had completely established the soundness of the principle of the Bank of England Charter Act. It was well known that a vast proportion of the commercial transactions of this country was not represented by bills of three months date. Much of the foreign commerce of the country was transacted through the medium of bills running through the period of twelve months. By the operation of the present law, the holders of such bills could not get them discounted (except at the ordinary rate of five per cent.) until nine months had expired. The consequence was, that means were taken to evade the usury laws by drawing four bills at three months each, and getting them renewed from time to time. But this imposed a very great expense on the borrower, without giving any advantage to the lender. It had been suggested that the measure should only extend to the operation of the clause in the Bank Charter to bills of six months, but if that were to be the limit, the measure would not embrace that class of commercial transactions which was the most important. Under these circumstances he hoped his noble Friend would not oppose the progress of the Bill, the loss of which would be a serious calamity to the trading interests of the country. He begged in conclusion, to state that if his hon. Friend the Member for London had not moved that the Bill be committed, he himself should have felt it his duty to do so.

Mr. *Wakley* felt convinced by the statement of the Chancellor of the Exchequer that this Bill ought not to be passed during the present Session, It was a subject of very great importance, the importance of which was not lessened by the fact stated by the right hon. Gentleman, that the subject had been pressed on his attention by the whole of the monied interest. The rich men, no doubt, were anxious that the Bill should be passed into a law. But what he wished to impress on the House was, the necessity of previously ascertaining what had been the effect of the experiment which they had already tried by the measure that had abolished the usury laws as far as regarded bills of exchange at three months' date. He was perfectly aware that the usury laws were unsound in principle. But at the same time he was bound to say that the whole structure of the monetary system in this country was artificial. He had been told that the alteration of the law, with regard to bills at three months had been injurious to the trading classes of the community. He could not, therefore, conceive why, at the end of the Session, without investigation or discussion, the Government should press such a measure as this so hastily through the House. The trading classes had not petitioned for it. He had been informed that as much as ten, twelve, and fourteen per cent. had been demanded for discounting bills which had only two months to run. He knew it had been said, that unless that interest were paid the parties would not have been able to obtain any money at all; but might it not be replied that those who knew they might legally receive such a high rate of interest would combine to prevent a lower rate being taken? He was aware that there were several bankers around him laughing at his statement because they knew that they were secure of a majority; but he would nevertheless declare that this was a Bill to promote the monied interest against the interest of the trading community. Had not this country, he would ask, prospered under the old law? At all events, had the trading classes called for its repeal? He trusted, therefore, that the House would not, in common decency, allow the measure to pass in the present period of the Sessin.

Mr. *Hume* was very sorry to hear such opinions fall from his hon. Friend as those he had just expressed; and particularly the curious argument he had made use of as to this country having prospered under the old state of the law. If this really was an argument weighing with his hon. Friend, why did he ever vote against the Tories? Why, in fact, was he in favour of changing any of those measures he had so strenuously opposed, notwithstanding the existence of which this country had somehow or the other managed to get on? His hon. Friend had said, that no doubt the monied interest wished this Bill to pass.. Why, the monied men did not want to get bills discounted. They discounted bills for others. Men of small capital could not get accommodation at the ordinary rate of interest, but by procuring it at eight or ten per cent. they were often saved from ruin. It was for this reason that the provisions of the measure relating to bills of three months ought to be extended.

Mr. *Robinson* could assure the hon. Member for Finsbury, that he (Mr. Robinson) had never heard amongst his extensive connexions any one express a doubt as to the beneficial working of the clause in the Bank Charter, and for himself he was decidedly favourable, since the experiment they had had of that clause, to extending its operation. The hon. Member for Finsbury had said with a degree of simplicity which was rather surprising, that the country had gone on well under the old system. But surely it might be well said, that the country had gone on under other bad laws. It was said by the hon. Member, that this Bill was for the advantage of the bankers; but in this respect he was entirely wrong, for the persons who would benefit by it were the smaller traders.

Mr. *Grote* wished to add his testimony to that which had been already given as to the beneficial effects which had arisen from the working of the clause in the Bank Charter Act with reference to the usury laws; and his strong conviction was, from the events of the last few months, that the present measure was essentially necessary, more especially in times of commercial difficulty. In the present state of the law a man holding a bill having five months to run, and having no other assets, was absolutely driven to an evasion of the law, because the law would not permit him to pay that rate of interest which such a bill would necessarily bear in the money market if discounted. There was an absurdity in the present state of the law; because a bill having six months to run was really worth a higher rate of interest than a bill which had only three months to run. That was to say, the risk was greater in discounting a bill at six months than at three months, and, therefore, the interest ought to be higher. But the law allowed ten per cent. interest, or any other rate, to be paid on a bill at three months, whereas, it would not permit more than five per cent. to be paid on a bill at six months although the rate in the market would necessarily be fifteen or twenty per cent. He did not think the hon. Member for Finsbury would find a second man to bear testimony to any evils having arisen from the working of the clauses in the Bank Charter Act, which relaxed the operation of the usury laws. There could not be a greater mistake than that of supposing that the interests of borrowers were forwarded by imposing restrictions on lenders.

Colonel *Thompson* said, he was not a banker. He was the son of a banker, if there was any taint in that in the eyes of the hon. Member for Finsbury. But he would invite that hon. Member to consider, whether the cry that borrowers could not get money unless the lenders were made by force to lower their prices, was not of the same nature as the old-fashioned outcry against corn-dealers for not lowering their prices; and whether the contest after all, was not between having the respective articles at the price for which men would furnish them, and going without.

Mr. *Wakley* finding his maiden effort to become a Conservative altogether unsuccessful, would abandon the attempt to check the progress of this Bill; but he certainly should make it his business to go into the city to ascertain what were the feelings of borrowers of money upon the subject.

The House in Committee.

The clauses were agreed to. The House resumed.

Jewish Marriages Bill.] The House went into Committee on this Bill.

Colonel *Thompson* said, the object of this Bill was to authorise Jews to follow the direction of the Mosaic law, by marrying their brother's widows. Now, if we who were not Jews presumed to obey the Mosaic direction, we were persecuted in consequence; and, on the other hand, in the case of the Jewish sabbath we were persecuted for not obeying. The inference he wanted to draw was, that the Mosaic law was used against us as an engine of persecution, to be shipped and unshipped as suited the users.

The clauses were then agreed to; the House resumed, and the Report ordered to be received next day.

Australia.] Sir *George Grey* moved for leave to bring in a Bill to continue in force for another year an Act passed in the reign of his late Majesty King George 4th., to provide for the administration of justice in New South Wales, and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto.

In answer to a question from Mr. Patrick Stewart,

Sir George Grey stated, that the subject of giving an elective council to the colony of New South Wales had occupied a great deal of the attention of Government. He could bear testimony to the value of this colony, and the great progress that it was making. The difficulty of drawing up a bill on the subject was one of no ordinary nature, but the subject would not be lost sight of during the vacation; and he trusted that early next Session they would be able to submit to Parliament a measure which would not only satisfy the colonists, but which would be well adapted to their peculiar situation.

Mr. *Henry L. Bulwer* had had several petitions confided to his charge from the colonies of New South Wales and Van Diemen's Land, all earnestly praying that a change in the constitution of those colonies should take place correspondent with the change that had taken place in their condition. He begged then strongly to corroborate what had been said by his hon. Friend the Member for Lancaster, as to the expectations which prevailed. He must add, that he regretted exceedingly that his hon. Friend the Under Secretary for the Colonies had not brought forward, at an earlier period this Session, the new measure he had announced at the close of last Session. It was at the end of last year that his hon. Friend obtained permission to keep the existing act in force for one year longer, but he obtained this permission only on the distinct pledge that at the meeting of Parliament another Bill should be proposed; and yet, though he had repeatedly jogged the recollection of his hon. Friend to force the subject upon him, weeks and months had passed away until that melancholy event which necessarily occasioned the greatest portion of public business to be postponed. He could not, of course, now object to a course which the Crown had recommended and the House adopted, and so far he agreed with his hon. Friend that the further postponement must take place. He would, however, take that opportunity of stating two or three of the reasons which made him earnestly hope that such measures were in contemplation as would shortly operate effectual changes. In the first place, no party was satisfied with the existing state of things. The more liberal party desired (he thought properly) an elective assembly ? but even the Tory or Conservative party objected to the existing Legislative Council, as furnishing, from the number of Government functionaries it contained, from the want of publicity in its debates, and other causes, nothing like a fair or well-constituted body for the purposes of impartial legislation. Again, there was not, perhaps, in the history of the world one single example of any country which had advanced in the same rapid manner that these colonies had advanced during the last few years. There was then on the bare face of things clear and evident proof that the institutions which had suited New South Wales and Van Diemen's land a few years ago could not possibly suit them now. He had, moreover (and this was all he should now allude to), the authority of the highest personage in the colony of New South Wales—a personage of whose ability and good sense he could not speak too highly, —he had the authority of the present governor of New South Wales for stating not merely that the prosperity of that colony was unexampled, but for urging also that that prosperity admitted, authorized, and called for, an improved and more liberal legislation. "It is but a few years since," said the governor, "that Australia issued from the wilderness: she is now among the most flourishing of the British possessions, and her children justly claim to participate in British institutions." Such being the opinions of so able an officer employed by the Government, he could not but trust that they were the opinions of the Government also, and that the earliest opportunity would be taken for carrying them out.

Motion agreed to.

Bill brought in and read a first time.

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HOUSE OF LORDS,

Friday, June 30, 1837.

Minutes.] Bill. Received the Royal assent:—Registration and Marriages; Turnpike Acts Continuance; Recorder's Courts; Shire Halls; Pillory Punishment Abolition; Royal Military Canal; Public Works (Ireland).—Read a third time:—Dublin Police; Commissioners of Bankrupts (Ireland).—Read a second time:—Sugar Duties; Lands and Buildings Conveyance.

Petitions presented. By the Earl of Hardwicke, from the Guardians of the Chesterton Union, Cambridge, complaining of the evils which arose from the occupiers of small cottages being assessed to the Poor's-rates; and praying that the Landlords may be subject to this impost rather than the Tenants.—By Lord Brougham, from a great number of places, against Church-rates.

Public Monuments.] Lord *Brougham* held in his hand a petition, most numerously and respectfully signed, in which the petitioners stated that the frequent contemplation of works of art, ready access to objects of literary interest, and of natural history, together with facilities for obtaining information on all matters connected with literature, science, and the fine arts, tended in the highest degree to elevate the character of a nation, and to improve the morals of all classes. The petitioners begged to call the attention of their Lordships to the fact, that the apprehensions entertained of injury to the contents of the National Gallery and the British Museum, from the recently increased facilities of access, had proved unfounded. The petitioners prayed that enlarged facilities should be granted to the public in visiting St. Paul's, Westminster Abbey, the Tower, and the Gallery in Trafalgar-square. The noble and learned Lord presented a petition from the Literary and Scientific Institution of Poplar to the same effect.

Lord *Hatherton* could not allow the petition to pass without saying a few words upon the subject, which he was glad had at last been taken up. The people of this country had always, as regarded the public institutions and works of art, been in a disadvantageous position when compared with other countries. It was a disgrace to Government and Parliament, that such disadvantages should exist—tending, as the admission to all the institutions would do, to promote refinement. Had any bad results or any inconvenience whatever arisen from the admission of the public to the British Museum? When first it had been proposed to give the public free admission to the British Museum, it was feared that the collections contained therein might suffer injury. The same was said when it was proposed to admit the public to St. James's Park. But all these apprehensions had proved unfounded, and the people had conducted themselves in the most unexceptionable manner when admitted to those places. He recollected that in 1824, he had taken a part in erecting a monument to one of the most distinguished men this country had produced, the late Mr. Watt. The monument erected to his memory was executed in his best style by Sir Francis Chantry, and when it was proposed that it should be placed in Westminster Abbey, where it would be shut up from the view of the public, he recollected that some dissatisfaction was excited, and that the amount of the subscriptions was lessened by that circumstance. He thought that free admission should be given to St. Paul's, Westminster Abbey, a part of the Tower, the National Gallery, and other institutions. Such institutions should be shown for two days in the week gratuitously, and that on other days a charge might be made for admission.

COMMON LAW COURTS.] Lord *Denman*, in moving the second reading of this Bill, said, that it was to abolish certain offices in the common law courts. It was stated by Sir Robert Peel, when moving for the Commission out of which the Bill rose, that one great object of it should be to lay a ground for future legal forms, and for that purpose it would be necessary to abolish certain sinecure offices, for those offices would be found great obstacles to the projected reforms. The Commissioners, after some time spent in inquiry, sent a communication to the Treasury, stating that it would be advisable that nineteen offices should be abolished in the King's Bench, and twenty-one in the Common Pleas; that the expense of compensating the former would be about 31,000*l.*, and of the latter about 11,000*l.* They also recommended a more simple mode of doing the business of the courts. The plan was brought under the consideration of the judges, and it was their opinion that there should be five masters for each of the courts, that all the others should be abolished, and the parties compensated on the principle of the former Bill. A bill embodying this plan had been introduced by his learned Friend (Mr. Sergeant Goulburn). It had been stated that the three chief judges of the courts would not consent to abolishing so much of their patronage, unless five masters were appointed to each court. That was a most unfounded statement, and he could assure their Lordships that there had not been, as far as he was concerned, (and he was sure he could say the same for his noble and learned Friend the Lord Chief Baron of the Exchequer and for his right hon. and learned Friend the Chief Justice of the Common Pleas,) that there had been no consultations or bargainings on the subject. He was not even acquainted with the Bill until after it had been brought into the other House by his learned Friend Mr. Sergeant Goulburn, who was kind enough to submit it to his consideration. The object of the Bill was, as he had already stated, to abolish a great number of offices in the courts, and in their place to substitute five masters with 1,200*l.* a-year in each court. Another object would be a saving of the money of the suitors, and a more uniform system of taxation in all the courts. The noble Lord concluded by mentioning the names of the gentlemen whom he had appointed; and then moved that the bill be read a second time.

Lord *Ellenborough:* The grounds on which the noble and learned Lord had offered the Bill to their Lordships were, that it would be an improvement in the system of business in the courts, and would effect a considerable saving of money to the suitors; but he submitted that these objects could not be gained by the Bill as it now stood. The only real benefit which he saw likely to result from the Bill would be that of an uniformity in the system of the taxation of costs in all the courts. As to the abolition of offices that had been provided for by the bill of 1825, which declared that a certain number of sinecure offices should be abolished on the expiration of the lives of the present occupants. Again, under the Act of the 3rd Geo. 4th, the judges had the power of fixing the fines to be received by the officers of their respective courts, and according to that Act there was no reason whatever why they should not make such reductions as they considered necessary. It was, therefore, merely a pretence to bring forward such a magnificent preamble as was prefixed to this Bill, as the same objects might be effected by acts which were already in existence.

Lord *Wynford* remarked, that many

duties formerly discharged by officers appointed for that purpose had ceased. For instance, all real actions had been abolished, and the duties of the officers in the Court of Common Pleas who were engaged in attending to the proceedings connected therewith had ceased with them. The principal merit of this Bill appeared to consist in establishing one uniform system of taxation in all the three courts, and this was in itself a sufficient recommendation.

Lord *Langdale* said, that with reference to the objection which had been made elsewhere, that the Bill went to appoint five principal officers, whereas the Commissioners in their Report only recommended four, it seemed to him much more desirable that a court should have too many officers than too few, in order to avoid delay. The principal difficulty, which he found in the Bill, was in the clauses relating to compensation. He must say, that it appeared to him to be unjust to impose the expense of such compensation on the persons who were hereafter to become suitors. Compensation was to be made out of the fee fund, provided that fund was sufficient, thereby throwing the whole burthen and the whole expense on the suitors. In his opinion, the fees ought to be reduced to such a point as would be sufficient to pay the general expenses of the court, and the compensation should be paid out of the Consolidated Fund.

Lord *Abinger* was favourable to this Bill, as it tended to assimilate the practice of the courts; but he did not approve of that part of it which disappropriated the officers from the courts to which they belonged. They would not know where to take their seats. The Master of the King's Bench would be dancing attendance in the Court of Exchequer, and the Master of the Exchequer would be sitting in the Common Pleas. In short there would be a perpetual maze of confusion. He objected to any attempt to make the officers common to all the courts, although he had no objection for officers of one court to revise the taxation of another.

Bill read a second time.

HOUSE OF COMMONS,

Friday, June 30, 1837.

MINUTES.] Petitions presented. By Mr. GILLON, from Ayr, for reduction of the Duty on Stage Coaches.—By Mr. J. MAXWELL, from Spitalfields, praying the House to take into consideration the distress in the manufacturing districts; and from Glagow, praying for relief.—By Mr. CHALMERS, from Arbroath, to the same effect.—By Mr. WYSE, from Ireland, for a general system of Education; and from Newfoundland, complaining of the conduct of Judge Bolton.—Mr. H. LOWTHER, from Westmoreland, against the Poor-Law Amendment Act.—By Dr. BOWRING, from Dumbarton, against the system of conducting the private business of the House.—By Mr. S. CRAWFORD, from Louth, against the Irish Tithes Bill.

MANAGEMENT OF THE POST-OFFICE.] Mr. *Labouchere* referred to an amendment which had been made by the Lords in a money clause of one of the Post-office Bills which had been sent up to their Lordships' House, and he requested the Speaker to state, whether such an amendment was contrary to the privileges of that House.

The *Speaker* wished to state what he understood by the right hon. Gentleman's question. There was a clause in one of the Post-office Bills, containing these words —"and other legal grants," for which had been substituted the words—"and other legal rights," with the view of giving an exemption in the case of certain turnpike tolls. Now, the Bill being strictly a revenue Bill, the House should be very careful how it acted in reference to this amendment; as, in the first place, he did not know to what the exemption applied; or what, in the second place, was to be its extent. He, therefore, thought, it was an exemption which the House could not sanction.

Mr. *Labouchere* moved, that the amendment made by the Lords in the Bill be read that day three months. Agreed to. The right hon. Gentleman obtained leave to bring in another Bill on the same subject —viz., the management of the Post-office.

The House in a Committee of Ways and Means.

THE BUDGET.] The *Chancellor of the Exchequer* said, if it were not for the state of the Session, I should have felt myself bound, even at the hazard of incurring reproach, to give to the House, in the greatest detail in my power, all the information which I could communicate respecting the public finances, and I should prefer exposing myself to reproof for having said too much to the more serious charge of having wilfully concealed or kept back anything; but, under the existing circumstances, knowing that it is impossible to arrest the attention of the House upon any subject whatever, and knowing further, that the statement which

I am about to make, does not necessarily embrace any very extensive or very complicated details, I shall endeavour to confine it within the narrowest limits possible. I regret to say, that I approach the House under circumstances in some respects differing from those under which I approached it on the former occasion, because, undoubtedly, there was at that period, a very general impression out of doors, and, possibly also, within doors, that the state of all branches of our industry, trade, commerce, and manufactures, was such as to inspire all parties with confidence. Undoubtedly, Sir, on that occasion, while there was a general exclamation in favour of what was considered the permanent and increasing state of prosperity in the country, I did take the liberty of earnestly and respectfully calling the attention of the House to certain indications which then showed themselves, and which, in my mind, prevented any extravagant degree of confidence being placed in the existing state of things. Not only in the month of May, last year, when I made that statement, but on various occasions, both antecedent and subsequent to that date, I took the liberty of stating, that there were circumstances connected with the state of commerce, and the great extension of speculative transactions bearing on the credit of the country, which might lead to an alteration of the circumstances which then appeared to be proofs of prosperity. The necessity of caution has been since proved by events which we have all seen; but undoubtedly, as on that occasion I did not think it fitting or justifiable on my part to add, in any the slightest degree, to the confidence which was indulged out of doors, so, on the present, it is not my intention to say—because I should consider that I erred on the ground of policy as well as of truth, if I said I saw in the existing circumstances of the country anything to create serious or lasting apprehensions. On the contrary, I think that, to use a familiar phrase, we have seen the worst. I believe that the prospects around us are brightening, and I confidently rely upon the resources of the country to carry us through any futurity that awaits us if we act with prudence and forbearance, and, above all, if we take no step which can have a tendency to shake or to endanger the credit of the country. On that public credit, depend upon it, Sir, after all, the great resources of the country depend; and although there may be some vain and delusive reasoners, out of doors, who would wish to persuade the mass of the working population that they are interested in the destruction of public credit, and that between them and the rich there exists a boundary—if there are any, as I know there are many intelligent persons amongst those classes who have the power of reflecting and the power of judging, they well know that the stability of the public resources and the protection of the property of the rich, is precisely the very best protection that can be afforded to the industry and the property of the poor. But, Sir, we are not placed under the necessity of resorting to any general theory to sustain this argument. We know from the returns in which the public credit rests—the returns relative to the public debt—that it is not the great and the wealthy who are mainly interested in it, but the humble and the middle classes, who have a deep and permanent interest in it; and when the hon. Member for Finsbury, in an argument upon a Bill which was last night passed, attempted to assume that the borrower of money and the lender of money were so distinct that whatever was good for the one must necessarily be bad and injurious for the other, he committed precisely the mistake which those do who consider that any effort could be made or any act done to shake the public credit, and not at the same time and in the same proportion to affect the comforts and the industry of the poor. It must be gratifying to those Gentlemen who have turned their attention to the subject to see by all the late returns in the *London Gazette*, and by the state of the foreign exchanges, that the question relating to the Bank of England, and the amount of bullion in the vaults of that establishment, is every day assuming a better aspect; and that if in the early part of the year, on the state of things which then presented itself, Parliament had taken any imprudent steps, it would have averted those beneficial consequences which place us now in a better situation than we were in then. I need not refer to the amount of bullion which appears in the *London Gazette*, as compared with the circulation of the Bank of England, but I shall take this opportunity of stating that from the 7th of February last, down to the present period, week by week, there has been a steady and progressive increase of the treasure in the Bank of England. To those who were parties to the Act of 1819, and to those who were parties to the Bank Charter Act, undoubtedly this information must be gratifying. Sir, I shall now proceed, as shortly as I can, to state to the Committee the income and the expenditure of the year compared with my estimate of the income and expenditure in the course of last Session. I think it will be better at once to state the estimate under each head for last year, and the result. With respect to the income, I calculated that the customs would produce 20,540,000*l.*, the actual receipt was 21,445,000*l.*, the excise I calculated at 14,150,000*l.*, the actual income was 14, 439,000*l.*, the stamps I calculated at 7,000,000*l.*, the actual amount was 7,100,000*l.*, the taxes I estimated at 3,575,000*l.*, they produced 3,681,000*l.*, the post-office revenue I calculated at 1,540,000*l.*, it amounted to 1,618,000*l.*, the miscellaneous were taken at 175,000*l.*, they produced a sum of 165,000*l.* therefore the income, which on the data then before me I calculated at 46,980,000*l.*, in fact produced 48,453,000*l.*, showing a very large excess undoubtedly over and above the calculations which a person of prudence would at that time have ventured upon suggesting. I hope the House will not quarrel with me because the income has exceeded the expenditure. I mean that they will not suspect that I have understated the expenditure with the view of misleading; but, if there is one duty which to me appears more sacred than another, it is not to mislead the House with exaggerated hopes or expectations as to our future resources. I shall now proceed to state the expenditure, and this will show that it is fortunate I did not exaggerate in my views of the income of the year; because, if I had, the difficulty in which I should have been placed, or rather by my mistake the country would have been placed, would have been very great. The expenditure I took thus:—The interest on the funded debt 28,528,000*l.*; but the actual payment amounted to 28,537,000*l.* Other charges upon the consolidated fund, exclusive of the West India slave compensation (which I left out in order that Gentlemen may be able to make an accurate comparison). I took at 2,092,000*l.*; the charge actually was 2,183,000*l.*; therefore, in point of fact, there is no great difference between the estimated interest of the funded and the unfunded debt, and the other charges upon the consolidated fund and the actual payments, the estimate having been 30,620,000*l.*, and the actual charge 30,720,000*l.*, making a difference of only 100,000*l.* With respect to the supply votes, I need not recapitulate them, as I wish to save the time of the House; but if any hon. Gentleman should wish me afterwards to go into any detail respecting them I shall be able to satisfy him. I calculated the army, the navy, the ordnance, and the miscellaneous estimates for the year at 14,585,000*l.*; but that estimate was taken before the whole of the supplies for the year were voted, and the sum actually required was 14,652,000*l.*, being a small excess above what I originally calculated. The amount of the actual expenditure for these services was 14,351,000*l.* There was an additional sum to be provided for bank balances, to meet the claims arising out of what I conceive to be a very proper act—the publication and distribution of unclaimed dividends. The public, undoubtedly, have no right to make a profit of these dividends; and if, by publishing them we have been called upon to pay 69,000*l.* I, for one do not regret it, and I am sure the House will think it right that every facility should be given to individuals to obtain what they are entitled to. The estimated expenditure for the year, exclusive of the West India Slave compensation fund, was 45,205,000*l.* The actual expenditure was 45,141,000*l.* I have hitherto stated the income and the expenditure, without any reference whatever to the West-India loan; I stated to the House, on the former occasion, what was the *maximum* charge which we were likely to be called upon to pay in the course of the year. I stated also the *minimum* charge, and I struck an average, and made provision, in striking the balance for meeting that average payment. I calculated that we might be called upon to pay, on account of the current interest, and arrears of interest, 1,111,000*l.*; but, in place of the calls upon us being limited to that amount, we have been called upon to pay a sum approaching to the *maximum* —namely, 1,448,342*l.* This, of course, is simply the payment of a debt to which we should have been liable at one period or another, and I rejoice to think that the demand occurred when the income of the country considerably exceeded our expectations—the one being covered by the other, leaving at the present moment a considerable surplus in the hands of the Government, to be applied, under the provisions of the Act of Parliament, to the reduction of the national debt. I have now shown, Sir, that while the income exceeded our expectations, the expenditure had exceeded the estimate, and I congratulate the House that, under the directions of the Commissioners for the reduction of the national debt, as well as by the payments to those who were entitled under the West India Slave Compensation Act, we have paid off a greater mass of debt than could have been contemplated. It is necessary, not in justification of myself, but in acknowledgment to those Gentlemen who were charged with a very laborious and responsible duty, to explain why the demands of the West India proprietors have exceeded our expectations. It may be mainly traced to the great zeal and industry of the hon. Gentlemen who act as Commissioners for the adjudication of those claims. Seeing the right hon. Gentleman and the noble Marquess opposite, who have considerable knowledge of West India affairs, I think I may confidently appeal to them whether the dispatch, the precision, and the accuracy with which those claims have been investigated by the slave compensation Commissioners, have not been such as to give perfect satisfaction to all parties. A greater amount of business was never done in the same time, and without litigation, for although a solicitor was appointed, and those Gentlemen had the means of resorting to legal authority, yet they avoided it in order to save expense, and themselves performed those functions which would otherwise have been charged for as legal expenses. I shall now proceed to the estimates for the present year, and Gentlemen who take down the figures can easily compare them with the estimates of last year. I regret to say, that I am not in a condition, either with respect to income or with respect to expenditure, to give a very satisfactory account to the House. With respect to the income, I am stating no more than what must be anticipated by every Gentleman whom I have now the honour of addressing—when I say that we cannot have a great pressure upon the commerce, upon the manufactures of the country, without that pressure acting immediately upon the income of the country. It is obvious that, if the power of interchanging our commodities with other countries be diminished, the actual employment of the people in the manufacturing districts must be lessened; and, if their employment be diminished, their means of consumption must be contracted, and the revenue of the excise be diminished. With respect to the customs' duties of last year, undoubtedly circumstances relating to them much enhanced the receipts. The revenue obtained from the tea duties forestalled to a considerable extent the duties of subsequent years. With respect to bohea tea, parties had the power given them of importing boheas up to a given day at a duty of 1*s.* 6*d.*, whereas, if they delayed beyond that, they could only import it at a duty of 2*s.* 1*d.* The amount of tea duty, last year, exceeded the amount received in former years; and, and at the same time, without any change of duty, the consumption of tea was increasing rapidly in the country. In the state of prosperity and general employment which prevailed, the consumption often had extended amongst all classes of the people, and in many respects had superseded other exciseable commodities, which were neither so wholesome nor so conducive to their moral welfare. The amount of tea cleared for home consumption was—in 1833, 31,800,000lbs; in 1834, 34,969,000lbs; in 1835, 36,606,000lbs; in 1836, 49,844,000lbs. I am stating the amount cleared for home consumption. Undoubtedly no man can calculate upon the consumption of last year as a fair exponent of what, under ordinary circumstances, would have been the amount of revenue arisingfrom tea. I know that a certain proportion of this amount, but a very small proportion, has been re-exported. In the year ending the 5th of April, 1836, the tea duty amounted to 3,886,000*l.* In the year ending the 5th of April, 1837, the amount was 4,603,000*l.* Whilst, therefore, on the one hand, we should be in error in not taking into the account the circumstance, that the alteration of the law produced an increased consumption of tea, so, on the other hand, we should be equally in error if we considered the whole of the increase attributable to that cause, because the increase which manifested itself in former years in the consumption of tea would have gone on even in an accumulated ratio in this year, had no change in the law been made. All I wish to impress upon the Committee with respect to the customs' revenue is, that a large proportion of the amount derived last year cannot be expected to arise in the year which is now before us. In like manner in the expenditure there is a considerable item of charge which is not to be disregarded, and to which the attention of Gentlemen must undoubtedly be called. I allude to the increased interest now payable on the unfunded debt of the country.—In the month of September last I felt it my duty to increase the interest on the twelve millions of Exchequer Bills then outstanding from the rate of 1½d to 2d a day; and at a subsequent period, namely, towards the close of the month of November, I increased the interest upon the whole of the unfunded debt of the country from 2d to 2½ a-day, being about 3¾ per cent. I did so very reluctantly, because no man, and particularly if he be responsible for the expenditure of the country, feels any great gratification in diminishing the surplus in his hands, and thus depriving himself in the same proportion of the means of reducing taxation. But I did so on grounds which appeared to me sufficient, and which I have had no reason since to regret; although for a time, and I hope for a short time only, it has added to the expenditure of the country. At the period when the arrangements in question took place there were persons in the city of London, and bankers in various parts of the country, who at that moment of pressure and embarrassment found it extremely difficult to realise those public securities which they held in order to meet the engagements to which they might be subjected; and I did not think it proper or just, or consistent with the public credit of the country, that Exchequer Bills, which at that moment were floating between a trifling or rather a nominal premium and par, should be suffered to fall to a discount; and, above all, I thought it of importance, with respect to the bankers, who take that course which I think prudent and safe—namely, to furnish themselves with public securities to meet any risk—I thought it of importance to them that they should not find those securities not available in the pressure by which they were assailed and at a moment when they had a difficulty in meeting their engagements. If I had delayed that measure, and the Exchequer Bills had fallen to a discount, then, be assured that, sooner or later, it would have behoved the Government to have raised the interest. That was the course taken in 1825, when the calamities and dangers brought the floating debt of the country—to a low rate of discount. That was the course taken by my right hon. Friend opposite, the Member for Harwich; but the interposition was in the first instance almost too late, and we had, at the same time, an increase of the interest on Exchequer Bills, and a continuance of Exchequer Bills, at a very low rate of discount. I, therefore, felt it expedient, upon every possible ground to increase the interest upon these securities especially at a period when what has since occurred might have been anticipated—namely, the circumstance of Foreign and American securities coming over into this market, and inducing persons to invest their capital by the temptation of a high rate of interest. I felt, undoubtedly, that it was for the public advantage that the rate of interest upon these securities should be increased. I have adverted to this subject now for the purpose of saying, that whilst, on the one hand, we cannot reckon upon the same amount of revenue for the current year which we received last, so with respect to that portion of the charge which relates to the unfunded debt, the burthen will be heavier which the country has to sustain. But it is not simply on this account that the burthen is increased, because gentlemen who refer to the estimates will find charges introduced in those estimates, upon which, until a very late period, we had no reason to calculate. I need not advert to them particularly at present. They are in the papers on the table of the House. Some of them have been voted, others remain to be voted, but the total amount which, up to a late period, we were not prepared to calculate upon comes very close upon 300,000*l*. The charges upon the Consolidated Fund, and the interest upon the funded and the unfunded debt, for which the Chancellor of the Exchequer is bound to provide for the year that is now current amount to 30,890,000*l*. The estimates for the year I take as follows the army 6,401,000*l*; the navy 4,688,000*l*. the ordnance 1,302,000*l*.; the miscellaneous 2,504,000*l*. These figures do not entirely concur with the votes on the table—for instance, the navy vote, including the amount which will be wanted for the Post-office packets, is greater than that which I have stated by a sum of 100,000*l*.; but the reason of the difference is, that the navy have for a time undertaken a task which heretofore has been performed by the Post-office. It will be said that if this charge be transferred to the navy vote, a corresponding diminution ought to be made in the establishment of the Post-office, and such, in fact, will be the case. I estimated the expense of the packet service at 100,000*l*., and have simply transferred it from the one account to the other—from the Post-office account to the navy account. In like manner it will be seen, that the miscellaneous votes are less in amount than the votes on the table, by the amount of the sum proposed to be voted for the civil expenses of Lower Canada. But in point of fact this sum is only to be regarded as an advance, because the funds out of which these civil expenses ought to be paid, are actually at this moment in the treasury of Lower Canada, and cannot be paid out of that treasury without the consent of the Crown. This vote, therefore, is only a vote of credit to be covered by the sum in the Canadian treasury. The money there is a security for the repayment of the sum voted, and which amounts to 104,000*l*. Thus, then, it is estimated that the expenditure of the current year will be 45,786,415*l*. That is exclusive of the West-India compensation, the amount of which, payable within the year, will be 845,000*l*., leaving a gross surplus of income over the expenditure, as far as I have hitherto gone, of no more than 608,585*l*. Those hon. Members who advert to the papers laid before the House on the 8th of May, will see that on this occasion, as on former occasions, upon the estimates prepared by the right hon. Gentlemen opposite, it is necessary to provide a sum to make good the deficiencies of the ways and means in preceding years. The sum required for this purpose is 223,912*l*., which, deducted from the gross surplus of 608,585*l*. will leave only a net surplus of 384,673*l*. I assure the House that I have drawn up my statement of the actual income and expenditure of the country without the slightest attempt to conceal or to withhold anything. I am only anxious to acquaint the House with the state of things as it actually exists. I turn now to the amount of income upon which I calculate for the current year. I take the income to be derived from the customs at 21,100,000*l*., which is 345,452*l*. less than the amount of customs last year—the actual receipt of the year ending 5th April, 1837, being 21,445,452*l*. I shall not make a large estimate for the excise. It will be remembered that there was a considerable reduction in the receipts of the excise last year, chiefly arising perhaps from the falling off in the consumption of malt, as will be seen from the following table, showing the number of bushels of malt upon which the duty has been paid since the year 1834:—

MALT.

	Bushels.		Bushels.
1834..	40,517,000	1836..	45,509,000
1835..	40,662,000	1837..	42,642,000

Decrease from 1836 to 1837 2,867,000
Average of 1834, 1835, 1836 42,229,000

But the prospects of the excise for the current year are of such a nature as to induce me to believe that if there should be a falling-off in the customs there will be an increase in the excise. I know that this is more or less a matter of speculation; but as far as I am able to judge, I have every reason to believe that, without any fear of being contradicted by the result, I may take the estimate of the income to be derived from the excise in the current year at 13,800,000*l*., being 639,391*l*. less than the actual receipts of the excise for the year ending the 5th April, 1837. Upon stamps I have no doubt there will be a loss, because the repeal, which only partially affected the last year will of course come into full operation in the current year. I calculate the income to be derived from stamps at 6,800,000*l*; but I have reason to believe that they will produce a trifle more. The taxes of the year I estimate at 3,710,000*l*., being a slight increase on the 3,681,917*l*. which was the product of the taxes in the past year. The income derived from the Post-office last year was 1,618,000*l*. I estimate it at 1,660,000*l*. this year. The income from miscellaneous sources will be about 170,000*l*. Thus the gross amount of the estimated income of the year I take at 47,240,000*l*., while the income of the past year was 48,453,000*l*. I have to apologise to the House for reversing the usual course of proceeding by stating the income before the expenditure, but I will, however, call attention to the latter. The amount of the expenditure for the present year will be, according to my estimate, 45,786,000*l*., without the interest on the West-India loan, leaving a surplus of 1,454,000*l*. When the interest on the West-India loan, however, amounting to 846,000*l*. is included, the surplus will be reduced to 608,585*l*.; but that sum, for the reasons I have already stated, must be reduced by the amount of the sums necessary to be advanced to meet the deficiency of former years, so that in fact the net surplus and upon which only we can calculate is 384,673*l*. I regret most sincerely that this amount must disappoint the expectations of many hon. Gentlemen, and I confess it disappoints my own. I could have wished that the surplus had been larger. There were two or three important questions with respect to the reduction of taxation which I was most anxious to have had an opportunity of proposing; and although I am not at the present moment in a condition to bring them forward, I will not suffer them to escape my recollection. If, after the event which is now publicly announced of a dissolution, there should be an early sitting of the new Parliament, it would in my opinion, be most desirable, if the improved condition of the finances and commerce of the country should permit it, that several of the claims which have been advanced for a reduction of taxation should be taken into consideration. As I have already stated, notwithstanding the difficulty and pressure of the moment, I have no great apprehension for the real and permanent resources of the country. There may be danger in high-flown and exaggerated statements with respect to the finances of the country, as in the case of the honourable Bank director who on a former occasion spoke of a "passing cloud," and of the hon. Member for Sunderland, who indulged in another and a stronger metaphor; but there is no danger in telling the simple truth—namely, that the commercial crisis which has occurred, but which, I hope, is now rapidly passing away, has produced a temporary pressure and inconvenience; but there is nothing, and has been nothing, in that pressure and inconvenience which ought to make a man of reasonable firmness and courage consider that any portion of the main resources of this country are in any the slightest degree permanently compromised or affected. I have before me—if the disposition of the House were different from that which I expect it to be—if I could claim, for a short time, the attention of the House to an extraneous subject—I have before me the means of showing that, within the last two or three weeks, the elements of improvement have been developing themselves in various parts of the country, and that various branches of trade and manufacture which have been amongst the most depressed, are rapidly reviving, and exhibiting symptoms of an improvement. I could show, that the receipts of the revenue have also, as a natural consequence, considerably improved, and that the condition of the country generally is such as to give a reasonable man much more confidence now than could possibly have been felt two months ago. I may be allowed to say, with respect to the former efforts I have made as finance Minister, that the experiments I have tried in the reduction of duties, have been attended with so much success, with so many good and valuable consequences, as to induce me, whenever the opportunity shall present itself, to persevere in the same course. Let me refer, first, to the duty on glass. Having, in a former year, a surplus with which I could deal, I applied it in the way which I thought best calculated to give relief to important branches of trade and manufacture, and a portion of it went towards the reduction of the duty on glass. What has been the result? Why, the revenue upon the manufacture of that article, which previously had been falling off from year to year, and from quarter to quarter, immediately revived; and from that time to the present moment, that which before was a decreasing and almost ruinous trade was now a rapidly-increasing, a thriving, and a prosperous trade—a trade that had increased, too, in a legitimate way; for whilst fraudulent exports, for the sake of the drawback, have diminished, the home consumption and the *boná fide* foreign exportation have greatly increased. In the same way, with respect to paper, a large reduction was made in the duty upon paper. The result has been most satisfactory; because, I find, that whilst in the quarter ending the 5th January, 1836, the quantity of paper charged with duty, was 18,000,000lbs., the quantity charged with duty at the quarter ending the 5th January, 1837, was 28,000,000lbs., being an increase of 10,000,000lbs. upon the manufacture of paper in the course of the year. It may be said, that it is not fair to attribute this increase entirely to the alteration in the amount of the duty, because the reduction of the stamp-duty on newspapers, must greatly have increased the consumption of paper. No doubt that was a fact in a very material degree. The House must be aware of the enormous increase of newspaper circulation in the country since the alteration of the stamp-duty, and they are now aware of the effect which the reduction has produced upon the paper-duty also. I have shown the amount of income and expenditure of the last year, and I have stated the estimated amount of each for the current year. I undertake to make provision for all the branches of the public service, and I have no doubt that they will be adequately carried out; but still, taking all things at the best, I cannot calculate upon a surplus of more than 384,000*l.*, or, to speak in round numbers, 400,000*l.* Can any one imagine, that that is a surplus upon which, as an honest man, I could propose any speculative reduction of taxation. I could not venture to do so, even under a very different aspect of affairs, and in a much better state of things; but in the present doubtful state of commerce and revenue, remembering the events of recent occurrence, and carefully regarding the circumstances which are before us still—circumstances of doubt and uncertainty—I do not think there is any Gentleman who would be disposed to ask for a reduction of taxation. I, for one, if any Gentleman were to make such a request, should feel it my duty to resist it. It would have been more popular, undoubtedly, to run the risk of trying an experiment—to speak of the revenue being brought up by increased consumption—to speculate on the future prospects and condition of the country—to have propitiated the hon. Member for Middlesex by talking of a reduction of the Corn-laws, and the hon. Member for Lambeth by insinuating a reduction of the duty on soap, and to have proposed to the shipping interests a reduction of the duty on marine insurances: this would have been all very popular, but it would not be consistent with the conduct of an honest man, nor would so acting be consistent with the conduct of an honest House of Commons. No honest House of Commons, for the sake of popularity of any kind, would consent to endanger the real and permanent interests of the country. As I have already stated, I do not feel an apprehension with respect to the future. I trust that, with respect to that branch of our commercial relations which has been most seriously affected—I mean the United States of America—I trust that that great and improving country may feel, as we in England have always felt, that private commercial honour is one of the proudest attributes that any country can boast; and that there is no way in which they can recommend their free institutions, or advance their national credit and national character more effectually than by a careful and watchful solicitude for the maintenance of their commercial credit. In no other country in the world is the prosperity and well-being of the state more eminently fixed upon a commercial footing than it is in America. I trust, therefore, that we shall see in that country strong efforts made, not only to preserve its commercial credit, but to prevent it for the future from being assailed by so rude a shock as that by which it has lately been visited. I thank the House for the patience with which it has listened to me. I have told the House the utmost amount of surplus upon which I can calculate; that surplus is not one which gives me the means of proposing any reduction of taxation. But I think it is still something for the country to say, that we have in the present year been enabled to complete to the utmost our engagements to the West-India proprietors—that we have made every provision for the due and proper discharge and execution of the public service—that we have done so under a commercial pressure quite unexampled since the year 1825, without any increase of the public burthens—and that we have a surplus (albeit a small one) still remaining. I conclude by moving, that a sum of 13,622,300*l.* be raised by Exchequer Bills to meet the expenditure of the ensuing year.

In reply to a question from Mr. Hume,

The *Chancellor of the Exchequer* said: I will state to my hon. Friend the amount of the funded and unfunded debt paid off, not only in the last year, but in every year since I have been in office. The right hon. Gentleman read the following table:—

AMOUNT OF FUNDED AND UNFUNDED DEBT PAID OFF BY THE COMMISSIONERS FOR THE REDUCTION OF THE NATIONAL DEBT IN EACH OF THE FOLLOWING YEARS.

	Funded Debt.	Unfunded Debt.
1831......	£963,110....	£1,705,900
1832......	5,695....	—
1833......	792,579....	230,954
1834......	1,775,378....	995
1835......	519,627....	750,250
1836......	566,143....	1,018,000
Total..	£4,622,532 .. .	3,706,099
	—— .. .	4,622,532
		£8,328,631

Mr. *Hume* was not one of those who was anxious for an immediate reduction of the debt of the country, which he did not think so advantageous as applying the surplus revenue to the reduction of those taxes which pressed upon industry. He had always wished for an empty Exchequer as the means of calling the attention of the Chancellor of the Exchequer to the necessity of adoptinga more rigid system of economy. Well, there was an empty Exchequer, but he was afraid that it would not produce the effect he desired upon the right hon. Gentleman. If the Government had been inclined to reduce two or three regiments of infantry and of cavalry, they might have had a corresponding reduction in the estimates; but this course had not been adopted. On the contrary, the military and naval force remained the same as in past years; and, consequently, the extravagant estimates of past years were continued. He did not accuse the Chancellor of the Exchequer of being wilfully extravagant; but it really seemed to be a kind of second nature with men in office to adhere to the established system of expenditure, be the amount ever so excessive. The heads of departments felt a reluctance to make any reduction; and whenever any independent Member complained of the expense of their establishments, they, on all occasions, became the apologists of the existing system. If the Chancellor of the Exchequer had been more watchful over the estimates, and had paid more attention to the reduction of unnecessary charges, he would now have been in possession of a considerable surplus. The time was gone by for making any reductions during the present session. The result was, that they were now about to return to their constituents without having done anything during the present session to relieve the people from the pressure of taxation. If her Majesty's Ministers really expected the confidence and support of the people, they must be prepared in the next Parliament to proceed on different grounds, and produce different results. The right hon. Gentleman had expressed a hope that the worst of the crisis which had befallen the country had passed by. The real causes of the crisis, in his opinion, were to be found in the conduct, in the first place, of the right hon. Gentleman himself in contracting the 15,000,000*l.* loan; and in the next place, in the conduct of the Bank of England after that loan had been contracted. To these two circumstances he attributed the whole of the embarrassments which this country had experienced. He hoped, however, that a new Parliament would make amends for the errors of the present.

The *Chancellor of the Exchequer* in explanation, stated, that the estimates of the present year had been increased by some items of a peculiar character, and which were created by Parliament itself, or by the commercial necessity of the country. Of this kind were the charges incident to the expedition to ascertain the practicability of opening a steam communication with India; the making a provision for educating the emancipated slaves in the West Indies; the preparing of the plans of the intended new Houses of Parliament; the formation of a prison establishment in the Isle of Wight, and other charges of a peculiar nature.

Mr. *Richards* said, that the right hon. Gentleman had promised to give every information on the subject which the financial statement of a minister was supposed to embrace; but what was the information he had really furnished? Simply this—that the commerce and manufactures of the country were in a state of deep distress, that the revenue of the country had fallen off, and that he could not reduce the taxes. That was the amount of the information which the right hon. Gentleman had thought fit to come down and give to the House and the country. But the information which he wanted was this—what had occasioned the distress now prevailing throughout the country? Humble individual as he was, he yet would presume to give that explanation which the right hon. Gentleman had omitted to do. He charged the whole of the distress of this country upon the want of attention of the right hon. Gentleman, the Chancellor of the Exchequer, to his duty, or else to his gross ignorance of the nature of that duty. Perhaps this was the last occasion on which he should have the honour to address that House. However he should proceed in the discharge of his duty in spite of any party interruptions. He charged the Government with having falsified the balances of the country by tampering with the currency for their own selfish purposes, and merely for the sake of keeping themselves in office, reckless of the misery they inflicted on others. In his mind it was perfectly evident that the Chancellor of the Exchequer was either grossly ignorant of his duty, or that he altogether neglected it. The right hon. Gentleman had stated that there would be no falling-off in the malt and hay duties; now he (Mr. Richards) would bet two hundred guineas to one that the harvest would not be so productive as to fulfil the expectations of the right hon. Gentleman.

The *Chancellor of the Exchequer* begged to observe, that he left the Bank of England unchecked and uncontrolled in their proceedings as to Exchequer Bills; therefore, the hon. Gentleman was wrong in his statement, that it was in his power to control that body. He had never lowered the interest of Exchequer Bills, and was not aware of the circumstances on which the hon. Member grounded his charge; on that account, therefore, he might be open to the accusation made against him by the hon. Gentleman of gross ignorance of his duty or negligence. With reference to the wager offered by the hon. Gentleman, he had no doubt as to winning it.

Mr. *Richards* admitted he had fallen into a mistake as to the Chancellor of the Exchequer.

Mr. *J. Maxwell* concurred in the observations of the hon. Member for Knaresborough, and he was perfectly ready to back the hon. Member in the bet which he had proposed to the right hon. Gentleman opposite. In his judgment, the cause of the distress now prevailing was, that the country was obliged to find gold at 3*l.* 17*s.* 10½*d.* per ounce, whatever might be the price actually paid for it. He had hoped, that before the Parliament had separated, something would have been done to relieve the suffering labouring classes of the country, and that a commission of inquiry into the causes of that distress would have been issued. No reduction had been effected in taxation, which might well have been done by a reduction of the army. That reduction, even the hon. Member for Middlesex had prevented, by forcing into the Irish Tithe Bill the appropriation clause, by which the settlement of the Tithe Question in Ireland had been put off for two years, and by which delay the presence of an army in Ireland was rendered absolutely necessary. What was the use of talking of reducing the tax on soap and malt, when the people were actually pawning their clothes and their blankets to obtain means of purchasing a loaf. He had heard of a family of seven children being found in Spitalfields without any clothes to put on, and the extent of distress was shown by the petitions he had that day presented, signed by 5,000 residents in Spitalfields, and by upwards of 3,000 of the labouring classes resident in Glasgow. He hoped and trusted, that the feeling of the country generally would oblige her Majesty's Ministers to stir from what were called, and erroneously called, the sound doctrines of trade, and that they would free themselves from the trammels in which the principles of theorists and political economists had placed them.

Mr. *Hutt* thought, that notwithstanding the small surplus, which the right hon. the Chancellor of the Exchequer had promised, the right hon. Gentleman might well have effected a reduction in the rate of interest in Exchequer Bills from 3*l.* 15*s.* to 3*l.* 6*s.* 8*d.* He also regretted, that it had not been proposed, that the whole monetary and banking system of the country should be subjected to a searching and complete revision, and he trusted that this important subject would early be brought under the attentive consideration of the new Parliament.

Mr. *Gillon* joined in the regret expressed by his hon. Friend, the Member for Middlesex, that the surplus should be so small. But, notwithstanding the smallness of the surplus, he thought the House might as well have entered into the experiment of a reduction in the Soap-tax with perfect safety. The right hon. Gentleman might have acted on the Report of the Commissioners, and proposed a reduction of one-third of the present duty on soap, with regard to which all the reasons to which the right hon. Gentleman had adverted as having induced him to reduce the duties on glass equally applied. By the reduction of the duty on soap, he felt convinced the revenue would be increased instead of diminished, for at present in 66 towns in England and Scotland which in the year 1820 had licensed soapmakers, there was not a single licensed manufactory of soap, and within that period the amount of revenue derived from the commodity had fallen 4½ per cent. It was too bad, after twenty-two years of profound peace, that 6,500,000*l.* of money should be required for the maintenance of an army. The force formerly kept up in Ireland was rendered unnecessary now by the mild and wise administration of affairs in that branch of the empire; and no consideration should deter him from pressing the repeal of the Soap-tax, which weighed more upon the poor than the rich, and which would never be reduced while such an army and such extensive establishments were kept up. He thought measures ought to have been taken to secure a grant for the relief of the suffering portion of the population. The right hon. Gentleman said, he had not the means, but he ought to have found out the way to provide the means. Something ought now to be done with regard to the Civil and the Pension-lists. The bargain entered into at the beginning of the last reign was now at an end, and he hoped a more favourable bargain to the people would be struck.

Mr. *Clay* said, the financial statement of the right hon. Gentleman certainly was not so cheering as others which the House had of late years been accustomed to hear, but under existing circumstances, it was as favourable as could be expected. He agreed with the right hon. Gentleman, that the present depression of the commercial interest would soon cease. The resources of the country were not reduced; already there were symptoms of a revival of the national industry, and he trusted they would soon see that vast portion of the population of the country which depended on trade and manufacture in full employment, and consequently in a state of comfort. He did not think, that they should at present meddle with the management of the Bank of England: when the proper time came to investigate the affairs of that establishment, he should be ready to second the hon. Member for Middlesex in attempting to bring about an investigation. He thought the power of making paper money ought not to be intrusted to any man, or any body of men, irrespective of the control of the Government. He had hoped, that the Committee on Joint-stock Banks would have been able, before the close of the present Session, to present some recommendations to the Government on the subject; but no doubt his right hon. Friend had sufficient reasons for not urging the Committee to make their Report this Session, and he thought himself that, in reference to such a question, it was much more important to legislate well than rapidly. He would, however, call on the Government, during the recess, to mature some measure respecting Joint-stock Banks. He also hoped, that in future the issue of the paper currency would be confined to one single body, and that that body would be made responsible to the supreme Government of the country. The right hon. Gentleman had been charged with neglecting the interests of the working classes, and was condemned for not carrying through Parliament a measure for the regulation of the wages of operatives. As a Representative of a borough, which contained many persons of that class, he could only say, that he thought the man who succeeded in carrying such a plan would be their greatest foe, and that the measure itself would be a curse instead of a blessing.

Mr. *Robinson* thought, that the announcement made by the right hon. Gentleman that night, would create great disappointment throughout the country. The surplus was much less than that of last year, and the state of things at present was much worse than at that period, nor was there any prospect of an improvement, because all the circumstances that led to the reduction of taxation in past years were now at an end. There was an increase of no less than 200,000*l.* in the army estimates, and little short of the same sum in the navy estimates, besides an increase of the ordnance and miscellaneous estimates. There was, at the same time, a falling-off in the resources, and the country, instead of being relieved from any taxes, was likely to be called upon to make up deficiencies. He did not join the hon. Member for Knaresborough in charging the right hon. Gentleman with causing the difficulties under which the trade and monetary system of the country laboured; but he would say, that he believed the time was come when all hope of further reduction of taxation was vain, unless some means were taken to reduce the expenditure. He had hoped, that the right hon. Gentleman would have come down to the House prepared to reduce the duty on marine insurances. He admitted, that the surplus of 384,000*l.* was not one on which he could draw very largely under existing difficulties, but he thought the right hon. Gentleman might at least have given that boon to the shipping interest. In his opinion, the time was come when, after every exertion had been made to reduce taxation, it would be necessary to consider the whole question of taxation on a much broader basis than hitherto, and to inquire how the supplies could be raised without pressing so unnecessarily as at present on the industry of the country.

Mr. *Wallace* said, the budget had been promised from time to time, and now it was brought forward there was nothing in it. The right hon. Gentleman in opening his budget, as he called it, had accused the merchants and commercial men of the kingdom of being neglectful of those suggestions which he threw out in the month of May last, for the purpose of putting them on their guard as to how far they ought to proceed with the speculations and enterprises in which they had been engaged. He believed that the whole of the distresses of the country were to be attributed to the powers of the Bank of England, and that it would be the duty of that House at the earliest possible period, to institute a specific inquiry into those powers, with a view to some effective reform. Something decisive must soon be done. The specie had gone out of the country, and now the Bank of England, after having sent it away on a speculation wished to get it back at the expense of the public. The right hon. Gentlemen who occupied the Ministerial seats could not retain them unless they would reduce taxation. But after all the promises they had made to do so they had done nothing. They had not even attempted to adopt the plan of retrenchment in the Post-office management, which Mr. Hill had so ably pointed out.

The *Chancellor of the Exchequer* said, that the charge which the hon. Gentleman represented him to have made against the commercial interest of the country, that it had not profited by the advice he gave in April last, existed only in the hon. Gentleman's imagination.

Colonel *Thompson* said, when so many hon. Members have their causes for the distresses of the country, I too may be permitted to have my nostrum. Allow the men who are declared to be starving to purchase food were they can get it. Might it not move a grave man to smile, to see the Government of a great commercial country balancing and making inquest after a litttle gain in one place, and a little loss in another, and all the while the traders of that community were forbidden to bring from abroad the only kind of goods that would pay, because they were the only kind that were wanted here? It was like betting on the Derby stakes, every horse to have one leg tied up. Would it not be well, among other schemes, to think of altering this? The hon. Member for Lanarkshire, for instance, when he brought forward, as he promised to-night, the distresses of the hand-loom weavers, will he join me or allow me to join him, in calling for relief by letting them purchase cheap bread where they can? This is where the public will some day find the mischief lie, and here they will look for the remedy in preference to all the other ways suggested.

Mr. *Potter* said, that the hon. Gentleman the Member for Knaresborough, had asserted that there was a diminished quantity of food in the country; and that if the harvest should turn out a late one a great scarcity would ensue. He was astonished that, entertaining such opinions, he did not make an effort to obtain a quantity of food by letting out the corn now in bond. Late as it was, the House ought to endeavour to effect this most desirable object. He considered the bread-tax the most oppressive of all taxes. It oppressed the country by keeping bread at an extravagant price, and checking our foreign trade: but the landed interest would not make the slightest concession. The effort which was made to grind bonded corn they refused to allow, and that was a measure which would have released capital to some extent, and given employment to our shipping. The landed interest had a complete monopoly of the home market, not only in grain but in animal food. Salted meat was liable to a duty of 12s. per cwt., and fresh meat was entirely prohibited. This ought not to be.

Mr. *Wakley* objected to the budget being delayed till so late a period of the Session. When the right hon. Gentleman was asked what reduction of taxation he intended to propose, he replied, "Stop till I bring in the budget." Thus they were wheedled on, and now, when they were near the last day of the Session, they found that there was to be no reduction of taxation at all. The only way of preventing the recurrence of such a mode of transacting the public business was to make the financial year terminate, as was proposed by the hon. Gentleman, in January, instead of in April, as at present. There could be no reduction of taxation while they voted such extravagant estimates. They had voted 21,000*l.* for putting Marlborough-house in a state of repair for the Queen Dowager. [*"Hear, hear," from the Opposition Members.*] The hon. Gentlemen opposite cheered that point. That lady had 100,000*l.* a-year allowed her out of the public purse, yet she had not enough to be able to spare what was necessary to put a single palace in order. He would give another example of what the House was disposed to do. They had voted 9,000*l.* for three pictures! This looked like a job. If these were times of distress the public money ought not to be so applied. The budget should have been produced at an earlier period, and then they would have known the circumstances of the country before they voted the estimates; but under their present system they voted money without being acquainted with the amount of their resources.

Mr. *G. F. Young* doubted whether the House would sympathise with the hon. Member for Finsbury in his clap-trap objections. He thought the right hon. Gentleman the Chancellor of the Exchequer had exercised a sound discretion in delaying the budget. If he had brought it forward six weeks or two months ago, considering what was then the commercial situation of the country, he would probably greatly have aggravated the embarrassment existing in the commercial world.

Vote agreed to.

House resumed and went into Commitee.

SUPPLY. — MUSEUM. — THE LATE SPEAKER.] 29,400*l.* were proposed for the expenses of the British Museum.

Lord *Stanley* said, upon Easter Monday there were 23,985 persons who had visited the Museum, and upon Whit-Monday 30,000 and odd persons had visited it. He was happy to observe that no damage was done, notwithstanding the great attendance.

Colonel *Thompson* said, like the preceding speaker, he could not allow the vote to pass without noticing that it was not among the working classes, but the aristocratic classes, the Iconoclasts were found. He appealed to the public papers, and the records of the courts of law, to show that it was not the working classes whom it was dangerous to admit within the wind of a public monument. He could not also avoid noting the grievous injustice of taxing the working classes among others for the support of the British Museum, and then cutting them off from the use of it on the only day they had leisure to enjoy it. As the hon. Baronet the Member for Wigtonshire had given notice of what he would do in another Parliament if he found his way there, so he (Colonel Thompson) hoped it was competent to him to say, that if he was not among the dying swans, so many of whom had sung to-night—he trusted to be able to give some assistance towards relieving the working classes in the metropolis from this crying injustice.

The vote was agreed to.

On the question that the Chairman leave the chair,

Sir *F. Pollock* wished to call the attention of the House to the losses sustained by the late Speaker and the officers of the House from the fire in 1834. The amount of the losses they had suffered altogether did not exceed 6,000*l.* or 7,000*l.* This was a claim on the justice of the House. The fire had originated through the gross neglect of public servants in a distant part of the building; and by the common law of the land, where a fire occurred through the neglect of any one occupying premises, or his servant, or his guest, or even a stranger, the occupier was responsible for the damage done. This responsibility had been done away by the statute of George 3rd, except as to any of the Royal palaces, or any house or building in possession of the Crown, for the use or service of the Sovereign. But he did not think the House would in a case of this nature be guided by the strict law of the case, but would be inclined to take a liberal view of the matter; more particularly as in all previous fires in Royal palaces those persons who had suffered loss had been fully indemnified. If it was stated, that those persons ought to have insured, then he would meet that statement by saying, that they were not bound to insure, and that they had a right to look for protection from without, and that they ought not, therefore, to suffer from the negligence of others. He would venture, too, to say, that if the late Speaker had insured his property there was not an office in London which would not, under the circumstances, have refused, and justly, to make good the loss sustained. He would, however, put the case to the liberality of the House, and not on its strict legal merits; and he trusted the House would not refuse to sanction the just claims of those who had suffered so seriously from no negligence of their own.

The *Chancellor of the Exchequer* did not wish to argue the matter in an adverse manner with the hon. and learned Gentleman opposite, and only wished to explain the principle upon which the Government had acted. The claim had previously been made, and the Treasury had pronounced upon it; but the Government had felt, that they could not have justified themselves to the public had they paid the amount of loss sustained. The Treasury had not, however, heard of the claim of the late Speaker till a considerable time after the fire, and he had never heard of the claims of any other persons till they were brought forward by the hon. and learned Gentleman. He, however, admitted, that the same rule which was applied in the one case ought to be applied to the other; and if compensation was granted to the Speaker, the loss which had been sustained by others should also be made good. When the claim of the Speaker had been brought forward, the Government did not know of any precedent which would have justified them in compensating the loss; for the case of the fire in St. James's was not in point, as there the losses sustained were paid out of the privy purse, and not by the Woods and Forests. But although the Government had felt that they would not be justified in paying the claim which was made, the House might deal with the matter differently, and sanction the payment of the loss by a vote of that Committee. With respect to this case the Government had learned that the late Speaker had, up to a late period previously to the fire, insured his furniture, and that in fact his property in the house, which had been consumed, had up to the time when he first determined to resign the Chair been comcompletely covered. When that determination was formed he had discontinued his insurances, but he had afterwards from the repr sentations which had been made to him of the importance to the public service of his continuing to fill the chair, been induced to change his resolution, and to continue Chairman of that House. Against his own wishes he had consented to resume his duties as Speaker of that House, in deference to the wishes of those who desired the House might have the benefit of his great experience and talents. But when he returned to his duties at the general request of the House, he had not renewed his insurances, and it was after he had sacrificed his own wishes for the public good that his property had been consumed. It was when considered in this point of view that the case of Lord Canterbury would have great weight with the Committee, and he thought that when so considered his claim was entitled to the most favourable construction. When the fire broke out, his Lordship was not the permanent Speaker of the House, and only held it for a short period for the public good, and at the earnest and pressing desire of the House. The only reason the Government had for refusing payment of the claim was, that they were afraid to establish a dangerous precedent, but he was sure that it would be more gratifying to Lord Canterbury to have his loss made good, after a discussion in that House, by a vote of the Committee; and if the Committee decided that compensation should be granted, he, for one, would be much gratified by such a decision.

Mr. *Warburton* thought the House ought to be on its guard; and he did not believe that any insurance office would have refused under the circumstances to make good the loss.

Mr. *Bannerman* considered the arguments of the hon. and learned Gentleman opposite (Sir F. Pollock) unanswerable in a legal point of view; but he trusted the House in this case would not confine itself to the legal merits of the question, but act upon principles of liberality and common sense. He hoped there would be no party feeling mixed up with the question for he was convinced that if the present Speaker were to suffer a similar loss, hon. Gentlemen on the other side of the House would be the first to propose an indemnification for that loss. Lord Canterbury and the whole of those who had suffered were fully and justly entitled to compensation, and he hoped the House would not refuse its sanction to the payment of what had so strong a claim on the favourable attention of the House.

Mr. *Richards* was sure the people of England would applaud the House should it sanction the payment of those claims. The people of England would consider that they had only discharged their duty in making good the losses sustained by a man who had with the greatest ability filled for eighteen years the chair of that House.

Mr. *Grote* thought, that should the present Speaker, neglect to insure his property in Carlton-terrace, there would be no good claim upon the House to pay any loss which he might sustain by fire. He did not think the House was called upon to pay the claim which had been brought forward by the hon. and learned Gentleman.

The House resumed,

IMPRISONMENT FOR DEBT.] On the motion for bringing up the Report on the Imprisonment for Debt Bill,

Mr. *Richards* moved, that it be brought up that day three months, because he thought the House had not had sufficient opportunity of examining the details of the Bill.

The *Attorney-General* said, that the Bill had been now a long time before the House, and had passed several times through Committee.

Sir *F. Pollock* agreed to the principle of the measure, but he objected to one clause, which enabled any creditor to make a trader a bankrupt if he did not give security within twenty-one days after being called on to do so for the payment of his debts. Such a change in the law could not, he contended, be effected without creating alarm and disgust amongst the smaller tradesmen.

The *Attorney-General* said, he had not inserted the clause in the Bill as it was originally proposed, but had been induced to introduce it by the representations of commercial men of all classes. Under the old law, if a trader were arrested for a debt only exceeding 20*l.* and remained in gaol for three weeks, it became in the eye of the law an act of bankruptcy. Now, the only change which he proposed was, that the creditor should stand in as good a situation as before, without exposing the debtor to the evils of imprisonment, and he added that he was quite willing to limit the security to appearing, and not extend it to actual payment of the debt.

Mr. *Richards* withdrew his first amendment, and moved that the House do adjourn.

The House divided on the motion:—Ayes 20; Noes 58; Majority 38.

We give the List on the first Division only.

List of the AYES.

Alsager, Captain
Archdall, M.
Brotherton, J.
Chandos, Marquess of
Cole, hon. A. H.
Cole, Viscount
Elley, Sir J.
Goulburn, Sergeant
Hale, R. B.
Hamilton, G. A.
Hawkes, T.
Hillsborough, Earl of
Hindley, C.
Inglis, Sir R. H.
Lefroy, right hon. T.
Lowther, J. H.
Perceval, Colonel
Pollock, Sir F.
Rushbrooke, Colonel
Wakley, T.

TELLERS.

Shaw, right hon. F.
Richards, J.

List of the NOES.

Aglionby, H. A.
Angerstein, J.
Baring, F. T.
Bernal, R.
Blake, M. J.
Bowring, Dr.
Brodie W. B.
Buller, C.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Clay, W.
Corry, right hon. H.
Dennistoun, J.
Dillwyn, L. W.
Donkin, Sir R.
Duncombe, T.
Elphinstone, H.
Fitzroy, Lord C.
Forster, C. S.
Gordon, R.
Grey, Sir G.
Grote, G.
Hastie, A.
Hawes, B.
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Hughes, W. H.
Hume, J.
Hutt, W.
Jephson, C. D. O.
Jones, T.
Labouchere, right hon. H.
Lennox, Lord G.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Connell, M. J.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Pease, J.
Rice, right hon. T. S.
Robinson, G. R.
Russell, Lord J.
Sheil, R. L.
Stanley, E. J.
Steuart, R.
Thomson, rt. hn. C. P.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Vigors, N. A.
Wallace, R.
Warburton, H.
Williams, W.
Woulfe, Sergeant
Young, G. F.

TELLERS.

Lynch, A. H.
Talfourd, Sergeant.

Report brought up.

Mr. *Richards* said, if the object of the Bill was to put an end to the credit given to improvident young men, it would fail in that object totally. At such a late hour of the night, however, he should not trouble the House with further observation. He moved that the Bill be recommitted, upon which the House divided:—Ayes 16; Noes 56: Majority 40.

A second division took place on the question moved by Mr. Richards, that the House do adjourn;—For the adjournment 14; Against it 54: Majority 40.

The Bill to be read a third time.

HOUSE OF LORDS,

Saturday, July 1, 1837.

MINUTES.] Bills. Read a third time:—Sugar Duties.—Read a first time:—Forgery Acts Amendment.

HOUSE OF COMMONS,

Saturday, July 1, 1837.

MINUTES.] Bills. Read a second time:—Cruelty to Animals; Post-Office Management.—Read a third time:—Rolls.

Petitions presented. By Mr. DIVETT, from Maldon, for abolition of Church-rates.

REFORM (IRELAND) ACT.] Mr. Callaghan moved the Order of the Day for the House going into Committee on the Reform of Parliament (Ireland) Act Amendment Bill.

Dr. *Lefroy* objected to proceeding with a measure of this nature on a day when it was understood no Bill likely to be contested was to be brought forward. The Bill was one of a grave and serious nature requiring mature consideration, and likely to lead to a protracted discussion. The House had understood from the noble Lord the Secretary of State for the Home Department, that no measure of importance was to be introduced at this late period of the Session; and he hoped, therefore, the Government would feel this measure to be a violation of the message which the noble Lord had brought down from her Majesty to the House.

Mr. Sergeant *Woulfe* said, the principle of the Bill was of so simple a character that he did not think there would be any objection to it. It was simply to remedy an obvious error in the Reform Act as it related to Ireland. By that Act it was directed that the different constituencies in Ireland should be so divided that not more than 600 electors should poll at one polling-booth. But the Act also provided that there should be no division of the electors in any constituency whose names began with the same letter. The consequence of this last provision was, that in some cases the number of electors polling at one booth was considerably below 600, while in other cases many voters were prevented from voting at all, as the names beginning with one letter were, in some instances, too numerous for the time for polling allowed by the act, which had been limited so as to accord with the first direction regarding the number to poll at one booth. In many constituencies in Ireland the names beginning with the letter M, for instance exceeded 600, and the greatest inconvenience resulted where such was the case, and in some instances a portion of the voters had been left unpolled in consequence. To remedy this error the present Bill had been brought in, and he thought its object so obviously just and reasonable that he could not see how any man could object to it.

Mr. Sergeant *Goulburn* thought that it was improper to proceed with such a measure on a day when the House met simply for the dispatch of formal business. The principle of the Bill, was contained in the third clause, to which the hon. and learned Gentleman had not alluded, and by that clause a most important alteration was made regarding the votes of freemen. Why had the Bill been postponed to so late a period of the session, and why should it be hurried through the House in the manner proposed?

Viscount *Howick* agreed, to a considerable extent, with what had been said about not bringing forward any measure on a Saturday likely to give rise to discussion, but he thought the necessity for some measure of this kind to remedy the error in the Reform Act was so obvious, that on the eve of a general election he could not see how any one could oppose it.

Mr. *Shaw* thought the Bill was an attempt on the eve of a general election to legislate in favour of one particular interest. In regard to the first clause of the Bill, he thought it highly improper immediately before an election to change the provisions of the Reform Act as such a course was likely to lead to confusion, from the difference betwixt the old and the new system of proceeding. In regard to the third clause, he admitted that the votes alluded to by the noble Lord (Howick) had been decided against by a Committee of that House, but the judges had not given an unanimous opinion in favour of that decision, one of the most able holding an opinion different from the rest. If, however, the principle of the clause was really good, it ought to be extended to the whole of Ireland, and should not be confined to Cork. There were no particular circumstances in the case of Cork which demanded a special measure, and whatever legislative measures affecting the right of voting was applied to that city ought to be extended to every other borough in Ireland. In his opinion this was the most monstrous attempt ever made by Parliament to interfere with a general election, so as to make the result favourable to one party. Such a Bill could not pass, and its introduction could only be considered as one of many attempts to throw odium on the other House of Parliament, by obliging it to reject such an iniquitous measure.

Sir *George Grey* trusted the country would be made acquainted with the nature of the objections urged against this Bill. The object of the Bill was to give due facility for the exercise of the elective franchise, and hon. Gentlemen opposite were not willing to grant the electors that facility on the eve of an election, from feeling that it would be injurious to their own party. This Bill was applicable to every other part of Ireland as well as Cork.

Colonel *Perceval* considered the speech of the hon. Gentleman who had just sat down to be admirably calculated to tell at the election for Devonport, but not in that House. He would oppose the Bill as exceedingly partial.

Sir *E. Knatchbull* thought, if the principle of the Bill were right as regarded Cork, it ought to be applied to every other place. If the measure had been enlarged, so as to embrace every case of a similar kind, and brought forward at a proper time, he would not have objected to the Bill. But the present was a partial measure, and involved a principle of the greatest importance, requiring the fullest discussion; and, its introduction was a violation of the understanding that no important measure involving a contested principle should be brought forward during the remainder of the Session.

Mr. *Callaghan* thought he could put an end to the debate by stating, that this Bill was not to affect the next elections at all.

Sir *G. Sinclair* said, that if the House should divide, he should vote for going into Committee; because, having voted for the Reform Bill, he felt bound to vote for any measure which was calculated, and he believed this was, to give effect to that Bill. He hoped, however, that hon. Members opposite would not refuse to support any reasonable amendments proposed on his side of the House.

Mr. *Estcourt*, in reply to the observations of the noble Lord, read that part of her Majesty's message which stated, that "it was inexpedient to recommend to the House of Commons any new measures for its adoption, with the exception of such as might be necessary for carrying on the public service from the close of the present till the meeting of the new Parliament," in which recommendation he said that House had expressed its full concurrence. Now, no one could assert that this Bill was essential for the public service, or, if it were thought so, why had it not been made general? It was not a Bill in progress through the House when her Majesty's message was delivered, for that occurred on the 22nd of June, and this Bill had not been introduced until five days after, at 2 o'clock in the morning; so that it was a new measure, and as such they were called upon to proceed with it contrary to the recommendation contained in her Majesty's message, and in violation of the assurance of that House, as conveyed in their answer to her Majesty.

Committee postponed.

HOUSE OF LORDS,

Monday, July 3, 1837.

MINUTES.] Bills. Received the Royal Assent:—Wills; Sugar Duties; Limitation of Actions; Dublin Police.—Read a third time:—Foreign Officers; Commissioners of Bankrupts (Ireland).—Read a second time:—Military Commissioners; Metropolis Police Offices.

Petitions presented. By the Bishop of GLOUCESTER, from Gloucester, that measures should be taken for the security of the Established Church.—By the Earl of CHICHESTER, and the Marquis of LANSDOWNE, from various places, for the abolition of Church-rates.—By Lord BELHAVEN, from Kinross, and other places, for the better Observance of the Sabbath.

CHURCH ACCOMMODATION, (SCOTLAND).] Lord *Belhaven* had to present a petition from the General Assembly of the Church of Scotland, praying for the extension of Church accommodation in Scotland. In the prayer of this petition he cordially concurred; and he was exceedingly gratified to learn that means would soon be taken of disposing of this subject in a manner that would afford general satisfaction.

Viscount *Melbourne* had been glad to observe, that the discussion at the meeting of the General Assembly from which the petition proceeded was characterised by good temper, great candour, and abstinence from the topics which at former meetings had been urged with great hostility of feeling. He was glad to find that it was no longer said that his Majesty's Government had taken an erroneous course on the subject. He was glad to find that there was no longer any condemnation of the manner in which the Commissioners had executed their duties. Undoubtedly many observations had been made on what was supposed to have fallen from him in that House in discussions on the subject. It had been supposed that he had made a severe attack on the clergy of Scotland; that he had charged them with using their pulpits for the purpose of attacking his Majesty's Government, and for political objects. Now, he did not know whether any thing had actually fallen from him which warranted the statement that he had made so general an accusation. If it had, it certainly was not justified. The fact had been distinctly denied; and one individual particularly, of high character, Dr. M'Leod, had challenged him to show a single instance in which such practices as he had imputed to the clergy of Scotland had obtained among them. All he could say was, that he hoped Dr. M'Leod was borne out in his statement by the fact. The assertion certainly differed from the information which he had received, but he should be much more happy to find that he had been in the wrong, and that the charge was wholly unfounded, than that it should prove that the charge was true. He would not, however, pursue that point further; he accepted with pleasure the entire disavowal of the practice by the clergy of Scotland, and their condemnation of it. He undoubtedly thought that the subject of extending Church accommodation in Scotland was one which Government ought to take into speedy and serious consideration. At the same time, it was undeniable that the question was not a single one, or a question which could be considered abstractedly. Care must be taken that the measures adopted were measures calculated to remedy the evil. They must be certain that the neglect of public worship and of pastoral instruction in Scotland arose from a want of church room before they proceeded to the extension of church room as a remedy. He could scarcely help thinking that if a man in Scotland were really desirous to go to Church, he would not find any difficulty in finding a church to go to. But he was ready to consider the subject. He was ready to go further. He would promise the assistance to the object of the petitioners which had before been promised, if the property which was the property of the church was now at the disposal of the Crown and Parliament—the hereditary revenues. He would be ready to consider whether these funds were not available for the purposes in view, and whether these could be effected in the manner in which it was now supposed they could. If these funds were found insufficient, and it was reported to be wise and expedient, then he for one would go farther upon the subject, and say that the subject ought to be immediately taken up and receive serious consideration.

The Earl of *Aberdeen* was very sorry that the noble Viscount had not said a little more upon so important a matter. He had now only repeated, nearly word for word, what he had said three years ago. For when he was pressed upon the subject at that time, the noble Viscount had declared that it should receive the immediate and serious consideration of his Majesty's Government. What the noble Baron who presented the petition could mean by speaking of the great gratification which he felt at what was going to be done, he was at a loss to conjecture. All that the noble Viscount now said was, that if the measure should be found wise and expedient (on which the noble Viscount gave no opinion himself), he would be disposed to look at the funds derived from the bishops' rents and teinds for the purpose of carrying the desired object into effect. He wished, however, to press upon the noble Viscount's attention, that in the recent discussions at the General Assembly of the Church of Scotland, it was held that those funds were inviolable. He could assure the noble Viscount that there was no political feeling on this subject. It was a question on which all parties in Scotland were unanimous. The General Assembly, it must be recollected, was not composed entirely of clergy. A great part of the body consisted of laymen, and of laymen whose constituents were favourable to the political opinions of the noble Viscount, for they were the reformed town-councils of boroughs. When the General Assembly, therefore, unanimously pressed this subject upon the attention of Parliament, the noble Viscount must admit that the opinion was an impartial one. He begged to remind the noble Viscount, that by her oath her Majesty was bound to preserve and protect the Established Church of Scotland. He had had the honour to see her Majesty take and subscribe to that oath. It depended upon the noble Viscount whether that oath should be kept in spirit and sincerity. For that, as well as for other matters of great importance, the noble Viscount was responsible. Under those circumstances, and when it was evident that the people of Scotland were unanimous in their opinion on the subject, he trusted that the noble Viscount would do something more than declare that the matter should be taken into serious consideration; and that, if it were found wise and expedient, the people of Scotland should enjoy the great favour of having their wishes attended to. He believed that the noble Viscount would find the extension of Church accommodation in Scotland desirable even as a question of economy. There was no doubt in that country that there had been a great increase of crime of late years, in consequence of a deficiency of spiritual instruction. Five-and-twenty years ago, the whole annual expense of criminal prosecutions in Scotland was 5,000*l.*; it was now 30,000*l.* He trusted the noble Viscount would be induced to take a more favourable view of the question, for he must say that the statements which the noble Viscount had just made, did not satisfy him.

The Earl of *Camperdown* said, the question was one which required their best consideration, not only from the weight of a petition coming from such a body as the General Assembly, but also from the great importance of the subject. He agreed with the noble Earl opposite, that the people of Scotland took great interest in it. He knew that the question occupied the attention of all classes in that country, but he was chiefly anxious to express his opinion respecting it generally, because his opinion differed from that of the noble Earl opposite. Attached as he was to the Church of Scotland, in which he had been born and bred up, he would say, if her Majesty's Ministers had shown any negligence or remissness with regard to its interest, he would have been the first to come forward and reprobate such conduct. But he did not think the Government was chargeable with either remissness or negligence. The question was one of a local nature. It related entirely to the Church of Scotland, which was an establishment altogether different from the Church of England and Ireland, and he could not see the expediency of taking a sum out of the Consolidated Fund for the support of that Church, because they would thereby lay a burthen on the whole country. He could not, therefore, see how his noble Friend would be justified in calling on the other House to grant money for that purpose. But, besides, in his opinion, it had not been made out that a grant for the endowment of churches would do away with the evils complained of, and Government would not be justified in doing any such thing. If the question were to be taken up, it must be taken up as a general question. Having read the Report with attention, he was sorry to say, (and it was impossible to deny the fact) that great numbers of the inhabitants were not in the habit of attending the Church, and therefore great doubts arose as to the necessity for additional Church accommodation. It was a fact stated in the Report, that at present there were 25,000 seats unappropriated. Denying the propriety of going down to the other House for a grant, he thought the noble Viscount had pursued the only course open to him, by recommending the Commissioners to investigate other sources for supplying the deficiency in Church accommodation. From a memorial laid on the table three years ago, it appeared that there was an annual income from bishops' rents of 2,717*l.*, and it was therefore right to call the attention of the Commissioners to that subject. It had been stated, that politics were mixed up with the question; and he was sorry to find that such was the fact. Such was not in general the character of the Scotch clergy. The Scotch clergy had formerly abstained from politics, and devoted themselves to the sacred duties of their office, thereby setting an example worthy of imitation by the clergy of other parts of the country; and though some had come forward in support of episcopacy, which in that country had passed away, yet there were others who conducted themselves better as clergymen, who did not mix themselves up with politics, and thereby secured the love and affection of the people.

The Earl of *Haddington* said, that his noble Friend had done the clergy of Scotland much injustice in his remarks upon their conduct, which he felt bound to justify. He denied that they had pursued a political course. They had felt it their duty to come forward, perhaps in consequence of the impolicy of supporting an establishment by heavy blows and great discouragements. The clergy of the Church of Scotland had not sought for the franchise, before it had been conferred on them, and had distinctly abstained from all interferences in political matters. The Legislature, however, having granted them the franchise, thereby imposed upon them a duty, in the discharge of which they should necessarily vote at elections for boroughs and counties; and this they had done in order to maintain an establishment which they conceived to be essential to the peace and well-being of the country. He thought, therefore, that the attack which had been made on them had come rather ungraciously from one who professed himself to be a zealous and sincere member of the Church of Scotland. As to the want of Church accommodation in Scotland, he thought there could be no doubt. Two years and a-half ago this subject had been laid before the two Houses of Parliament in the speech from the Throne, and strongly recommended to their consideration. A Commission had been appointed, who had made their first Report to Parliament in the following Session, and the sum of 50,000*l.* had been voted for the Church of Scotland, which was a new admission of the want of accommodation. Another sum of 50,000*l.* had been voted by the House of Commons for churches in other parts of Scotland. The people of Scotland themselves, who were not very fond of unnecessary subscriptions, had subscribed 150,000*l.* for the same purpose, and they had done so upon the representation of the clergy that this destitution existed. He held in his hand a copy of the memorial which had been presented on this subject in 1834, so that it was now three years since there had been laid before her Majesty's Ministers the most conclusive evidence of the want of Church accommodation, and as yet nothing had been done. He, however, was ready to take as an earnest what was proposed by his noble Friend, and he hoped it would be the beginning of great and important benefits to the people of Scotland.

Petition laid on the table.

CROWN SOLICITORS, (IRELAND).] The Earl of *Wicklow* rose to move, in conformity with the notice he had given on a former evening, for certain documents connected with the administration of justice in the courts of quarter sessions in Ireland. It was very well known, that there were few institutions in Ireland which had been productive of more good, and subject to less evil, than the courts of quarter session. They had been conducted upon a system which had given universal satisfaction; in fact, amongst all the complaints that had been made against various institutions in Ireland, he had not heard one against the court of petty sessions. Notwithstanding this, her Majesty's present Ministers had thought it necessary, so great was their passion for reform, to interfere with the manner of conducting business in these courts; and accordingly, in the course of the year before last, had introduced a new system, to which was appended a considerable share of fresh patronage. Under the pretence of assimilating these courts to the courts of assize, they created a new class of officers, in number altogether thirty-four, called quarter session Crown solicitors, for the purpose of conducting the criminal business in these courts. He should not now consider whether that was an improvement or not. In his opinion it was not; and to be so would mainly depend on the qualification of the persons appointed to the office. He had no hesitation in saying that those who had been appointed by her Majesty's Ministers were not persons that ought to have been appointed. He did not say that, on the ground that they were all, or nearly all, of the Roman Catholic persuasion, because he was one of those who considered it the duty of Government to follow up the act of emancipation by carefully avoiding to make religion a cause of exclusion. Neither did he say so on the ground that they entertained the same political opinions as the present Ministers, who had every right to choose persons of their own principles; but he did object to them as being notoriously opposed to the institutions of this country, as well-known public agitators in their respective counties, and members of that party in Ireland whose object was the separation of the two countries, and who were the instigators of a great portion of the crime committed in that part of the kingdom. The paper for which he was about to move was a copy of a circular addressed from the Attorney-General for Ireland to the Crown solicitors in each county, requiring them to forward to him all the informations taken by the magistrates, which were to be brought before the quarter sessions, in order that he might judge if they were fit cases for trial. He believed it had been found that the system did not work efficiently, and it therefore became necessary to establish this check. Another question upon which he wished to be informed was, in what manner was the Attorney-General to be remunerated for this new duty imposed on him. During the assizes the Attorney-General was paid a fee of fifteen guineas, being thirty guineas a-year for the whole batch of cases in each county. If that were to be the scale of payment, their Lordships would see that it would give an immense revenue to that officer; inasmuch as the assizes were held but twice, while the quarter sessions were held eight times a-year. There were four quarter sessions, and two places at which they were held in each county, so that the Attorney-General would be furnished with eight batches of cases. If he were not to be paid the same sum for these, he should like to know why; for, on looking at the Parliamentary Returns, he found the number ofcases tried at the assizes in 1835, to be 6,000, while those at the quarter sessions amounted to 21,000. Last year the number tried at the assizes was upwards of 6,000, and at the quarter sessions 24,000. The Government had taken great credit to itself for having created so much tranquillity during that year, and for having established order and regularity under the benign reign of the noble Earl, and for having cleared all the gaols, as the noble Earl was well aware of, notwithstanding that the number of cases tried at the quarter sessions exceeded that of the preceding year by nearly 4,000. If, then, the same scale of payment to the Attorney-General was not adopted in reference to the business of the quarter sessions, he should he glad to be informed why? If it were not to cost the nation any thing, he protested against such a course, for no Government had a right to expect its officers to perform very onerous duties without being fairly remunerated. The fees which were paid to those thirty-four Crown solicitors came out of the Consolidated Fund; so that in proportion as this country contributed to the Consolidated Fund, in the same proportion did it contribute towards the expenses of this Irish job. Thus jobs of the kind were matters of no difficulty in that country, and if it were the object of the Government to increase the fees of the Attorney-General or any other public officer, nothing was more easy, because no application was necessary to Parliament on the subject. It might be said that they appeared in the miscellaneous estimates, but it was well known that many of them, from the late period of the Session at which they were brought forward, and the smallness of their amount, often escaped the vigilance of Parliament. The noble Earl concluded by moving for a copy of the letter addressed by the Attorney-General, dated the 5th of May last, to the several Crown solicitors in Ireland.

The Earl of *Mulgrave* agreed with the noble Earl that it was more convenient that he should have sought for information on this subject by making a motion, than by putting a question; and he was the more convinced of it since the noble Earl, by having done so, enabled him to bring before their Lordships, proofs of how completely mistaken the noble Earl was in his remarks and inferences upon the subject. The noble Earl had moved for a letter of the Attorney-General's, and in reference to it, stated, that the management of the quarter sessions had either answered or failed. If it had answered, he said, what was the necessity for this circular letter? Now, perhaps their Lordships would be surprised to hear, that there was no novelty whatever in this document. It was precisely and technically the common form of a circular which had been addressed to those counties in which public prosecutions had taken place, to the clerks of the assizes, and clerks of the peace, ever since the alteration had been made. It was, in fact, coeval with the alteration. That he thought met at once the question of the noble Earl. The letter to which the noble Earl alluded, might appear more stringent in its terms to some clerks of the peace than others. The general form was this:—The first Crown solicitor wrote for those informations to the clerk of the peace, and if he did not receive them, a small cogent letter was despatched, in which the Attorney-General's name was brought in. Indeed, he believed the name of the Lord-lieutenant was sometimes mentioned, when the informations were not forwarded on the first application. The Attorney-General had thought with him, that by establishing a more efficient mode of prosecuting at the quarter sessions, they would be enabled to put down those brutal and ferocious crimes which arose principally from faction fights, and which tended so much to demoralise the lower classes of that country. He was happy to have by him a letter of the assistant-barrister of Tipperary, where these faction fights existed perhaps to the greatest extent, which he thought would show at once what had been the result of this alteration, and more efficient mode of prosecution. The noble Earl read the letter, which was dated April, 1837, and stated, that within the last twelve months, crime had undergone great diminution in that county; and after enumerating several offences, such as faction fights at fairs and markets, taking forcible possession of lands, &c., added, that not a single occurrence of that kind had taken place in the county during the previous year, although before that there was scarcely a fair or market held at which some of them were not perpetrated. On coming down to the House, he had met a noble Lord, not a Member of that House (Lord Bloomfield), who said that he could never sufficiently thank him for the boon he had conferred upon the county of Tipperary, in having appointed Mr. Hanley as assistant-barrister, so that the House might safely rely upon any statement that gentleman put forward. With regard to what the noble Earl had said about patronage, he had only to observe, that before the appointments had been regularly made, the fee to the solicitor was two guineas; it had since been reduced to one; and he could further state, that the utmost extent of fees received by any of these officers in the year, was *50l.*, which went down to so low a sum as *10l.* He was perfectly ready to take upon himself the full and undivided responsibility of the general distribution of patronage in Ireland. It had been made a matter of complaint against the Irish Government, that they had appointed to the office of Crown solicitor, none but attornies of inferior practice. To this charge, the obvious answer was, that from the very necessity of the case, they were compelled to choose from amongst professional gentlemen practising in the court; that what were called bar attornies were the class of lawyers who chiefly attended at the sessions courts, and if they did not form the most eminent members of the profession, he was unable to see how the Government could be held responsible for a circumstance of that nature. It had also been made a matter of accusation against his learned Friend, who then was Attorney-General for Ireland, that he had recommended for Crown solicitors, hardly any, except Roman Catholics. To that the reply was equally simple and conclusive, as in the preceding case—namely, that in a great number of places, none but Roman Catholics were to be found. A third subject of complaint was, that these appointments were bestowed upon persons who had rendered themselves remarkable as political agents and agitators. Now, that was a grave and serious charge, which, if made at all, ought to be seriously preferred at a time and under circumstances when it could be fully and fairly met. It should not be incidentally introduced amongst a variety of other matters. He begged to know, why it had not been brought forward that time last year. If there had been any real unfitness in the persons appointed, any substantial abuse of the powers of the Crown, why had not the subject been separately and substantively brought under the notice of Parliament? He was in London at that period of the year, and so was his learned Friend by whom those appointments had principally been advised; then would have been the fitting time to have brought them openly and manfully forward, and not thus in an indirect way use them, as it were, for the purpose of hinting away men's characters. In the course of the observations made at different times upon the state of Ireland, there had been frequent reference to the state of the county of Tipperary; but from the communications which he had received from the assistant-barrister of that county, as well as from various returns to which it was not possible for him on so short a notice to have access, he was enabled to say, that there was a great deal of exaggeration upon that subject, that the condition of the county was very much improved, and that it enjoyed, not only comparative, but a great deal of positive tranquillity. He conceived that there existed the most conclusive and satisfactory evidence, that the system now in use at the quarter sessions was one which had worked well, and which if continued would produce the best effects—such as all persons interested in Irish affairs could not but admit to be beneficial. As to the emolument derivable from it to the Attorney-General, he had only to observe that he had declined to accept any remuneration, and even if he had agreed to accept it the amount would be very little. On the authority of the Crown solicitor for the Munster circuit, he could state that the fees to the Attorney-General from that division of the island, would not amount to more than from 30*l.* to 40*l.* Some allusion had been made to an act of clemency exercised in the case of prisoners who had been discharged from confinement in Ireland. He had since then obtained some returns on that subject, and he was therefore in a condition to state, that not above two or three of those prisoners had been recommitted under any serious charge. It might be said, that that had happened fortuitously, but he might be allowed to reply, that it was a very remarkable coincidence. It was, he conceived, a most extraordinary circumstance, that out of the number discharged only nineteen in all should have been recommitted, every one of whom, with the exception of two or three, was for offences of the most trifling description. From the time that he had been concerned in the government of Ireland to the present moment, he had endeavoured to discharge the duties of his office with strict fairness, and in the spirit of the Emancipation Act, which was intended to put an end to all religious distinctions.

The motion was withdrawn.

SUCCESSION TO THE THRONE.] The *Lord Chancellor* moved the second reading of the Succession Bill. It was the duty of Parliament to provide for every event, however remote, which might affect the administration of the Government of the country. The object of this Bill was, to provide in case of the demise of the Crown, and in case the heir presumptive to the Crown should at that time be out of the country, for the carrying on the business of the Executive Government, as without such provision it would be difficult, indeed impossible, to carry on the Executive Government, until the next heir to the Throne arrived in this country. The precedent followed, on this occasion, was that of the Act of Queen Anne. There was, at that time, a disputed succession, which was not the case at present, but nevertheless, the possible and very remote contingency of having the machinery of Government stopped, if the demise of the Crown should take place while the heir presumptive was in a foreign kingdom, should be provided for, and in this provision, the Act of the 6th of Queen Anne was followed. The Bill provided that certain great officers of state—namely, the Lord Archbishop of Canterbury, the Lord High Chancellor, or Lord Keeper of the Great Seal, the Lord High Treasurer, the Lord President of the Council, the Lord Privy Seal, the Lord High Admiral, and the Lord Chief Justice of the Queen's Bench, at the time being respectively, should act as Lords Justices to exercise all the powers and authorities of the successor to the Crown as he or she would exercise them if present, until his or her arrival in this kingdom, or until he or she should otherwise order. The Bill also provided, that the heir or heiress presumptive to the Throne might at any time deposit a list (which list was revocable at pleasure) of such persons as he or she might appoint to act with such justices, and to be considered as part of them, with the Lord Archbishop of Canterbury, the Lord High Chancellor or Keeper of the Great Seal, or the representative of such heir or heiress presumptive at the Court of Great Britain, and the persons named in that list were to exercise in common with the Lords already named the functions of royalty, until the successor of the Throne should otherwise determine. There was, however, a provision in the Bill which restricted the powers of the Lords Justices to the exercise of all the functions of royalty, save only those which were necessary to carry on the Government of the country. For example, they were not to have the power of dissolving Parliament, nor giving the Royal Assent to any Bill for altering the succession to the Throne, nor to any Bill for changing the established religion of England, Scotland, or Ireland. They were also restricted in their power so as not to be able to grant peerages, or in any way to interfere with the privileges of the Sovereign, save and except such Acts as were necessary for carrying on the Government. In the second section of the Act, he should propose, when the Bill was in Committee, so to alter it as that the heir presumptive should have the power of nominating, not seven persons, to which by the Bill, as it now stood, he was restricted, but any such numbers, to act with the Lords Justices already named, as he might think proper.

Lord *Brougham* admitted, that the precedent of the Act of Anne was followed in this instance; but in the Act of Anne, it was stated that any appointment of such additional Lords Justices which had been already made would be valid, which was not the case in the present Bill. But there was another circumstance connected with the Bill to which he was anxious to call the attention of their Lordships, and though he was aware that the present was not the proper time for bringing it forward, he felt it necessary to mention it as a sort of *caveat* against one of the principles of the Bill. When the Act of Anne was passed, the royal family of England were very differently circumstanced from what they were at present. At that time, the succession was confined to the Electress Sophia, and the heirs of her body, being Protestants. But there were other members of the royal family, to assert or recognise whose title would then have been high treason. He had no wish to follow the precedent established by the Act of Anne out of respect to those great and eminent men by whom the Act had been framed—he more particularly alluded to Lord Godolphin and Lord Somers; yet he was greatly disposed to think that those eminent statesmen would not in the present day, and under the present circumstances, take the course of which they at that time established the precedent. Whether they wished to establish Lords Justices or a *custos regni,* or a regent, he was sure they would not pass over the members of the royal family who were of full age and resident within the realm at the time. He thought, therefore, that some portion of the royal family, he meant, of course, those who were of full age and resident in the kingdom, should be named as amongst the Lords Justices. He felt it necessary to call the attention of his noble and learned Friend on the Woolsack to this, which he wished to be taken as a sort of *caveat* against the Bill, for unless he saw very good reason for altering his opinion on the subject, he would, at a future stage of the Bill, embody his objection as a substantive motion.

Lord *Wynford* thought, that if any portion of the royal family were to be included in the Bill, all of them ought to be. He, however, thought it would be the much better and more simple course to follow the precedent of the Act of Anne, which appointed certain great officers of state for the time being, to whom were to be added certain other individuals appointed by the heir presumptive. The precedent of Anne had been since that period twice followed in the appointment of Lords Justices, but in neither case had members of the royal family been included. He, therefore, thought it would be much better to leave the Bill as it now stood, following as it did the precedents already established.

Lord *Brougham* thought, that the Bill should recognise the right of the heir presumptive, or heir apparent, as much as the Archbishop of Canterbury, or the Lord Chancellor, or any other of the Lords Justices. There was a great difference between Lords Justices appointed by an Act of Parliament, as in this case, and Lords Justices appointed by the Crown. In the latter case, the power of the Lords Justices was limited by such rules and regulations as the King might please to fix until his return to the country. In the reign of Geo. 1st he appointed the Prince, who was afterwards George 2nd, as *custos regni;* George 2nd, during his absence, appointed Queen Caroline Regent, and after the death of Frederick, Prince of Wales, he appointed Lords Justices. As to Queen Anne not being named in the Commission of Lords Justices in the absence of King William, the reason was obvious; she was then Princess of Denmark, a married woman, and being under the influence of her husband, who was a foreigner, it would not have been proper or constitutional to have named her in it.

The Duke of *Wellington* said, it appeared to him that the object of the Bill was to secure the succession in the absence of the Sovereign, and to carry on the Government between the demise of one Sovereign and the arrival here of the other, that other being then in a foreign country. It appeared to him that the Sovereign, before his arrival in this country, might appoint members of the royal family or others to carry on the Government until his return. They should not be imposed upon him, for it was clear that on his accession to the Throne, he might appoint whom he pleased to carry on the Government of the country in his absence. It should, therefore, be left to him to give instructions to the Lords Justices to exercise such functions in his absence, and with such limitations as he should direct.

Lord *Brougham* contended, that

there was no instance in which Parliament had left out members of the royal family in a case of this kind, where they were of full age, and resident within the realm. The great officers of state were not more known in the country than the members of the royal family of full age. The Bill, however, only provided for a bare possibility, for the exercise of the royal authority in case of a demise of the Crown, and should that event take place in the lifetime of the King of Hanover, Duke of Cumberland in England, and before her Majesty had an heir apparent to the Throne. It was, in fact, for the exercise of the royal authority for some ten or twelve days before the arrival of the new Sovereign, but even in providing for this barely possible contingency it behoved Parliament not to depart from principle. In all such cases, Parliament should take into consideration and include in the commission members of the royal family of full age, resident within the realm.

Bill read a second time.

HOUSE OF COMMONS,

Monday, July 3, 1837.

MINUTES.] Bills. Read a third time:—Imprisonment for Debt; Bills of Exchange; Coroners of Durham; Sheriff's Courts (Scotland); China Courts.—Read a second time:—East India Postage.—Read a first time:—Central Criminal Court Assimilation; Slave Trade; Treaties Act Continuance; Bank of Ireland Postponement; Militia Ballot suspension; Assessed Taxes Act extension.

Petitions presented. By Lord MORPETH, from Dublin, against any alteration of the Reform Acts against the Irish Poor-law Bill; and for the better Observance of the Sabbath.

PROTECTION TO DOGS.] The House went into a Committee on the Cruelty to Animals (Ireland) Bill.

Lord *D. Stuart* would take that opportunity of saying, that he thought some measure should be adopted for the protection of that most useful animal, the dog. It was revolting to see the enormous weights they were made to draw, and, in his opinion, the names of the owners ought, as in other cases, to be painted on the carts, in order that there might be no difficulty in ascertaining the owners of any dog who might be cruelly treated. He did not know whether it was possible to introduce a clause for the protection of these animals into the present Bill, but if it could be conveniently done, he trusted the noble Lord (Morpeth) would not object to the insertion of such a clause.

Viscount *Morpeth* would have been glad to have done so, but as the present Bill was merely an extension of the English Act to Ireland, and as there was no clause in the original Bill for the protection of the dog, he was afraid such a clause as had been proposed could not be inserted.

Lord *D. Stuart* hoped, that in the next Session the Government would introduce a general measure on the subject, and he might mention that he had in the Vote-office a petition signed by upwards of 4,000 persons praying for protection to the dog.

The clauses of the Bill were agreed to. House resumed.

COUNTY TREASURERS (IRELAND).] House went into Committee on the Treasurers of Counties (Ireland) Bill.

Sir *R. Ferguson* objected to the Bill, as the machinery it created was entirely new, and likely to prove expensive. One of the clauses was particularly objectionable. In that clause it was proposed to charge *5s.* upon every *100l.* collected in the different counties, while there was no information given how the sum to be thus raised was to be expended, although it was perfectly clear that the amount would not be sufficient for the purposes of the Act. A great many persons in Ireland thought the office of Treasurer in the Irish counties ought to be abolished altogether. The mode in which the balances were deposited was also objectionable; and as there was no opportunity of sending the Bill over to Ireland to ascertain the opinions of those who were best acquainted with the subject, it would be better to postpone it till another Session.

Mr. Sergeant *Woulfe* said, the Bill would not deprive the grand jurors of any power which they at present possessed, and he could see no good reason for postponing it. The treasurers in Ireland had, in some instances, been the cause of great loss to the country. He did not blame the grand juries, but they had not attended with sufficient vigilance to the accounts of the treasurers, and in his opinion those accounts could not be properly and satisfactorily inspected, until placed under the control of a public officer responsible to Parliament, and it was the object of this Bill to effect that desirable end.

Mr. *Lucas* allowed that some alterations in the system of inspecting the accounts of the treasurers of counties in Ireland was necessary. He did not, however, deem the Bill adequate to that purpose, and he trusted that Government would not press it at this late period of the Session.

Mr. *O'Connell* considered the present mode of inspecting the accounts of the county treasurers extremely unsatisfactory. There was one case in which a treasurer had died with a large sum belonging to one of the Irish counties in his possession, and left no proof that that money was due; and it was but too probable that larger losses would be sustained, should the present Bill not pass, as the amount of securities was in many instances not sufficient to cover the sums which the treasurers often had in their possession. They were, however, discussing the principle of the Bill, which had been agreed to, and as the House was in Committee, they ought to proceed with the details. He entreated the Government to press the Bill as one highly essential to the protection of the public interests in Ireland.

The clauses were agreed to. House resumed.

SUPPLY — MISCELLANEOUS ESTIMATES.] The House went into a Committee of Supply.

On the vote of 34,000*l.* for defraying the expenses of the sheriffs (Scotland),

Mr. *Wallace* objected to the vote, and said, that he had inquired into the nature of their courts, and into the conduct as well as the duties of the judges, but without receiving satisfactory information. He could, however, state, that there were three judges not only useless, but injurious to the country, and their services ought to be dispensed with. They never attended the court. No witnesses were examined, no counsel pleaded. It was gross absurdity and injustice to continue the system, and he would move, as an amendment, "that 24,000*l.* be substituted for 34,000*l.*, until the said judges comply with the existing law, which entitles them to salaries."

Vote agreed to.

On the proposal to grant 88,000*l.* towards defraying the expense of erecting new Houses of Parliament,

Mr. *Hume* objected to vote any money under this head until more accurate estimates, sanctioned by a Committee of the House, had been submitted to Parliament. He should move that the vote be postponed till next Session.

The *Chancellor of the Exchequer* said, it was a matter of more immediate concern to the House than to the Government. If they were content the House should remain in the present state another year, he could have no objection. At the same time, he did not think it would be very creditable, after the report of a Select Committee, and the other preliminary steps which had been taken, if the vote should be delayed for another year.

Sir *George Strickland* thought the general opinion out of doors was unfavourable to Mr. Barry's plan. He strongly objected to the style of architecture which had been adopted, and concurred with the hon. Member for Middlesex, in thinking that the vote should be postponed till next Session.

Sir *Robert Inglis* reminded the Committee that the present question was not at all with respect to the merits of Mr. Barry's plan. That had already been decided. After being engaged two years and nine months in preliminaries, he could not conceive a greater waste of time than would be occasioned by another reference of this matter to a Committee up stairs.

The Committee divided on the grant, Ayes 100; Noes 20: Majority 80.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Alford, Viscount
Alsager, Captain
Archdall, M.
Bagot, M. W.
Baillie, H. D.
Barclay, C.
Baring, F. T.
Baring, F.
Baring, H. B.
Baring, W. B.
Barnard, E. G.
Biddulph, R.
Blackburne, I.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, Sir J.
Cavendish, hon. C.
Chalmers, P.
Chetwynd, Captain
Colborne, N. W. R.
Corbett, T. G.
Dalmeny, Lord
Dennistoun, J.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Dundas, hon. T.
Dundas, J. D.
East, J. B.
Elley, Sir J.
Estcourt, T.
Fazakerley, J. N.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
Ferguson, R.
Forster, C. S.
Gaskell, J. M.
Geary, Sir W.
Gresley, Sir R.
Grey, Sir G.
Grimston, Viscount
Hamilton, G. A.
Hamilton, Lord C.
Hastie, A.
Hector, C.
Hind, J. H.
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Hope, H. T.
Howick, Viscount
Humphery, J.
Jephson, C. D. O.
Jervis, J.
Inglis, Sir R. H.
Kirk, P.
Lennox, Lord G.

Lushington, C.
Mangles, J.
Moreton, hon. A. H.
Morpeth, Viscount
Murray, rt. hon. J. A.
Packe, C. W.
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pease, J.
Pollen, Sir J. W.
Price, Sir R.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, R.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Colonel
Russell, Lord J.
Seale, Colonel
Seymour, Lord
Shaw, rt. hon. F.
Sheil, R. L.
Sheppard, T.
Smith, R. V.
Stanley, E. J.
Stanley, Lord
Stuart, Lord D.
Thomson, rt. hn. C. P.
Townley, R. G.
Tracy, C. H.
Tulk, C. A.
Warburton, H.
Wilbraham, hon. B.
Wynn, rt. hon. C. W.
Wyse, T.
Young, G. F.

TELLERS.
Hay, Sir A. L.
Wood, C.

List of the NOES.

Baring, T.
Bateson, Sir R.
Becket, rt. hon. Sir J.
Bridgeman, H.
Brownrigg, S.
Codrington, Admiral
Dick, Q.
Duncombe, hon. A.
Evans, G.
Gillon, W.
Knight, H. G.
Mackenzie, T.
Mackinnon, W. A.
Maxwell, J.
Mosley, Sir O.
Sinclair, Sir G.
Strickland, Sir G.
Thompson, Colonel
Wakley, T.
Wallace, R.

TELLERS.
Hume, J.
Hawes, B.

Vote passed.

On a sum of 114,160*l.* 14*s.* 6*d.* being proposed for advances on account of arrears and charges for the administration of justice and the civil government of the province of Lower Canada,

Mr. *Hume* objected to the vote, which was nothing but a fine imposed on the people of England for the bad government of the colonists.

Mr. *Robinson* complained that the resolution affirming the principle of discharging all arrears of salaries from the Canadian exchequer as well as the other resolutions agreed to by the House with respect to the colony, had not been followed up by a legislative enactment, and that the people of England should now be called on to vote so large a sum. The amount of the vote might have been applied, but for the remissness of Government, reduce nearly the whole of the duty on marine insurances, or to give relief to other important interests which required it.

Lord *John Russell* said, that the House had, in conformity with the message from her Majesty, agreed not to proceed with any measure likely to give rise to much discussion. Ministers had by no means abandoned the principles of the resolutions, though they were precluded by circumstances from introducing a Bill founded on them; and should he have the honour of holding the office he now filled in the next Parliament, he would feel it his duty to endeavour to give effect to them by legislative enactment.

Lord *Stanley* said, that Government were highly censurable in delaying to bring in a Bill immediatly after the resolutions had passed. Such a step would have been most valuable as an evidence of their sincerity to that portion of the community of Lower Canada which they had by the resolutions declared it to be their intention to protect, and for the suppression of those indications of discontent and partial disturbance which now appeared. Admitting that Government had no other course to take at present than that which they had adopted, he must regret they had not at an earlier period manifested their determination to act up to the resolutions. If this vote were a fine upon the people of England, as the hon. Member for Middlesex had termed it, no power on earth would induce him to consent to it, but he consented to it because it held out the most solemn pledge which, under present circumstances, Government could give to the people of England and of Canada, that they would act up to those resolutions. They had been pledged over and over again in that House, and now they gave security to keep their pledges in the sum of 140,000*l.* It was absolutely essential that this advance should be made as a guarantee to both nations that Ministers should not shrink, if they were desirous of shrinking, from the declarations they had made. It had given him great satisfaction to hear the frank declaration of his noble Friend, that should he continue to hold his present office in the next Parliament, he would endeavour to give effect to the resolutions, whatever party might oppose him.

Mr. *Hume* advised the noble Lord not to take counsel from an enemy. It was vain to talk of giving effect to the resolutions. A bill for such a purpose would be mere waste paper, unless Government were prepared to send an army to Canada to compel its people to obedience.

Lord *John Russell* might deny entirely the justice of the charge which the noble Lord opposite had brought against the Government. He did not think it would have been right in Ministers to abandon every other measure for the sole purpose of carrying a Bill regarding Canada. He did not at all believe in the existence of general discontent in that country, nor did he anticipate that it would be necessary to have recourse to any measures of harshness or severity to give effect to the line of policy laid down in the resolutions.

The Committee divided:—Ayes 43; Noes 10: Majority 33.

List of the AYES.

Adam, Sir C.
Bannerman, A.
Baring, F. T.
Barnard, Edward G.
Campbell, Sir J.
Dalmeny, Lord
Dillwyn, L. W.
Donkin, Sir R.
Dundas, J. D.
Estcourt, T.
Ferguson, rt. ht. R. C.
Gladstone, W. E.
Gore, O.
Grey, Sir G.
Hawkins, J. H.
Hector, C. J.
Hobhouse, rt.hn.SirJ.
Howard, P. H.
Howick, Viscount
Inglis, Sir R. H.
Lefevre, C. S.
Lowther, hon. Colonel
Mangles, J.
Moreton, hon. A. H.
Murray, rt. hon. J.A.
Palmerston, Viscount
Pease, J.
Pechell, Captain
Rice, rt. hon. T. S.
Richards, J.
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Shaw, right hon. F.
Sinclair, Sir G.
Smith, R. V.
Stanley, Lord
Stanley, E. J.
Thomson, rt. hn. C. P.
Vivian, J. E.
Walker, R.
Wood, C.
Young, G. F.

TELLERS.

Seymour, Lord
Parker, J.

List of the NOES.

Aglionby, H. A.
Bowring, Dr.
Brotherton, J.
Fenton, J.
Gillon, W. D.
Humphery, John
O'Connell, M. J.
Thompson, Colonel
Tulk, C. A.
Warburton, H.

TELLERS.

Hume, J.
Elphinstone, H.

Vote agreed to. House resumed.

FREEMEN AND ELECTORS.] On the motion that the Report on the Parliamentary Electors Bill be brought up,

Sir *R. Inglis* said, that the attempt to proceed with this Bill was a violation of the pledge given by the Ministers, that no measure of importance should be proceeded with except such as were essential to the furtherance of the public service. The Bill had been introduced so long ago as the 12th of May, at two o'clock in the morning, when there were only forty-one Members in the House, and from that time until Thursday last, it had been allowed to lie undisturbed on the table. Its purpose was to alter the constituency, as established by the Reform Act, and was, consequently, a violation of the principle of that measure, verifying the declaration made by his right hon. Friend (Sir R. Peel), that the first attempt to alter the Reform Bill would be made, not by its enemies, but by its friends.

Mr. *W. Gladstone* said, that the noble Lord the Secretary for the Home Department, had given as distinct a pledge as it was possible for a man to give, that all questions likely to lead to any great difference of opinion should be deferred; it therefore did appear to him that the pressing forward of the present Bill was in direct violation of that pledge.

Mr. *Hawes* said, that on the occasion when hon. Gentlemen opposite assumed that the noble Lord the Secretary for the Home Department had given the pledge of which they had spoken, it so happened that the right hon. Member for Cumberland adverted to the Bills under consideration, and the noble Lord expressly excepted the present Bill from those measures that he proposed to defer. What, then, became of the charge that the pressing forward the present Bill was a violation of the noble Lord's pledge? The real objection which hon. Gentlemen opposite felt to the measure was, that it was a popular one.

Mr. *Hodgson Hinde* thought, that the Ministers must be much obliged to the hon. Gentleman for replying to the questions which had been addressed to them. The present Bill, if not brought forward with the intention, had the effect of preventing those who were willing to do a service to the class of freemen from carrying their views into effect. He maintained that the Bill was an essential alteration of the Reform Act, and he only did his duty in opposing this first Ministerial attempt to violate that measure.

The House divided:—Ayes 55; Noes 30: Majority 25.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Baring, F. T.
Bernal, R.
Bowes, J.
Brotherton, J.
Buller, Charles
Byng, rt. hon. G. S.
Callaghan, D.
Chalmers, P.
Dalmeny, Lord
Dennistoun, J.
Dillwyn, L. W.
Donkin, Sir. R.
Dundas, J. D.
Elphinstone, H.
Fielden, J.
Fergusson, rt. hn.R.C.
Gordon, R.
Grey, Sir G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hector, C. J.

Hindley, C.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Howick, Viscount
Hutt, W.
Lefevre, C. S.
Lennox, Lord G.
Lushington, C.
Lynch, A. H.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Connell, M. J.
Palmerston, Viscount
Parker, J.
Pease, J.
Pechell, Captain
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Seale, Colonel
Thomson, rt. hn. C. P.
Townley, R. G.
Tulk, C. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wilson, H.
Wood, C.

TELLERS.
Seymour, Lord
Smith, R. V.

List of the NOES.

Baillie, H. D.
Barclay, C.
Brownrigg, S.
Chandos, Marquess of
Dick, Q.
Duffield, Thomas
Duncombe, hon. A.
East, J. B.
Elley, Sir J.
Geary, Sir W.
Gladstone, W. E.
Gore, O.
Halse, J.
Hardinge, rt. hn. Sir H.
Herries, rt. hon. J. C.
Inglis, Sir R. H.
Lefroy, right hon. T.
Lewis, D.
Lowther, Viscount
Lowther, J. H.
Lygon, hon. General
Meynell, Captain
Nicholl, J.
Palmer, G.
Richards, J.
Richards, R.
Rushbrooke, Colonel
Shaw, right hon. F.
Stewart, J.
Vyvyan, Sir R.

TELLERS
Goulburn, Sergeant
Hinde, H.

FINAL REGISTRY OF ELECTORS.] On the motion for the third reading of the Final Registry Bill,

Mr. Sergeant *Goulburn* said, he should take the sense of the House on the question. It was not fair to press this Bill; it was contrary to the message from the Crown, and for election purposes only. He moved, that the Bill be read a third time that day three months.

Lord *J. Russell* admitted, that there was no absolute necessity for pressing the Bill at present, yet it was a measure of considerable consequence; and as it was not likely to lead to any lengthened discussion, and would not prolong the Session, he trusted the House would allow the Bill to pass.

The House divided:—Ayes 62; Noes 41: Majority 21.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Baring, F. T.
Bernal, R.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Byng, rt. hon. G. S.
Callaghan, D.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chichester, J. P. B.
Codrington, Admiral
Dalmeny, Lord
Dennistoun, J.
Dillwyn, L. W.
Donkin, Sir R.
Dundas, J. D.
Ebrington, Viscount
Evans, De Lacy
Evans, G.
Fielden, J.
Fergusson, right hon. R. C.
Gordon, R.
Grey, Sir G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hobhouse, right hon. Sir J.
Howard, R.
Howard, P. H.
Hume, J.
Hutt, W.
Lennox, Lord G.
Lushington, C.
Lynch, A. H.
Morpeth, Viscount
Murray, right hon. J. A.
O'Connell, M. J.
Palmerston, Viscount
Parker, J.
Pease, J.
Pechell, Captain
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Thomson, right hon. C. P.
Thompson, Colonel
Tulk, C. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Williams, Sir J.
Wood, C.
Young, G. F.

TELLERS.
Elphinstone, H.
Hindley, C.

List of the NOES.

Alsager, Captain
Baillie, H. D.
Barclay, C.
Blackburne, I.
Borthwick, P.
Bramston, T. W.
Brownrigg, S.
Burrell, Sir C.
Chandos, Marquis of
Chaplin, Colonel
Dick, Q.
Duffield, T.
Duncombe, hon. A.
East, J. B.
Elley, Sir J.
Forster, C. S.
Gaskell, James Milnes
Geary, Sir W.
Gore, O.
Grimston, Viscount
Grimston, hon. E. H.
Halse, J.
Hardinge, right hon. Sir H.
Herries, right hon. J. C.
Hinde, J. H.
Hope, H. T.
Inglis, Sir R. H.
Lefroy, right hon. T.
Lowther, Viscount
Lowther, J. H.
Lygon, hon. General
Meynell, Captain
Nicholl, J.
Palmer, G.
Perceval, Colonel
Richards, J.
Richards, R.
Rushbrooke, Colonel
Shaw, right hon. F.
Vyvyan, Sir R.
Wilde, Sergeant

TELLERS.
Goulburn, Sergeant
Gladstone, W.

Bill read a third time.

CONSTRUCTION OF MEN OF WAR.] Mr. *G. F. Young* said, that notwithstanding the lateness of the hour and the opposition he was likely to meet with, he felt it his duty to persist in calling for the returns of which he had given notice. In the first place, he complained of the present system on which our ships of war were constructed. The construction of those vessels ought not to be confined to one particular person, but the nation ought to have the benefit of the general talent of the country. At present such was not the case, as the Surveyor of the Navy had the sole power of selecting the plans submitted to his inspection. Such a system, in his opinion, produced a bad description of ships, and besides every new surveyor had a new plan of his own, and the ships constructed on the old system were laid up in ordinary, or broken up and sold, while still in sound condition. The old ships were thus destroyed, and with every new surveyor new vessels were constructed at an enormous expense to the country. Since the present Surveyor of the Navy had been appointed upwards of half a million of money had been expended in constructing ships upon his plan, and we were suffering ships built by former surveyors to rot in ordinary, while ships were building upon the plans of Captain Hayes and Admiral Elliott, in order to ascertain which plan was the best. Now, the Admiralty ought by this time to have determined whether the plan of Sir William Symonds ought to be adopted, and if it was good, they ought not to have put the country to the expense of building ships on other plans which could not be adopted. But if Sir William Symonds' plan was bad, then it ought at once to be discontinued, and some other system at once adopted instead. He objected to the system of experiments which had hitherto been pursued, as entailing an enormous and useless expense on the country. He had every respect for Sir William Symonds, but, not having been educated for his present situation, he could not think Sir William Symonds the most proper person to decide on the system which ought to be pursued in the construction of ships. The duties of the surveyor were to draw plans for ship-building, to decide on the qualities of timber and iron, and on the reports of those persons who were appointed to ascertain the condition of ships; and he would ask, how the present surveyor, who was not a professional man, could possibly perform such duties? All he wished for by these returns was to enable him to make out a *primâ facie* case for the appointment of a Committee, and he could not see any reason why he should meet with the opposition which he understood he was to receive. The hon. Member concluded by moving for a number of returns.

Mr. *C. Wood* thought it was incumbent on the hon. Member to show some better reason than a mere assertion for the production of such voluminous and, in some instances, expensive returns. The hon. Member defended the conduct of the Admiralty in the course they had pursued, and supported Sir William Symonds, as having contributed most essentially to the improvement of the British navy. If any blame attached at all, it was to be attributed to the Admiralty, and not to the Surveyor of the Navy, than whom a more able or better public servant could not be found. The hon. Member for Tynemouth had been rash in some of the assertions he had made; for, speaking upon official information, he could state, that so far from the absence of any opportunity of rivalry in the building of ships for the British naval service, Sir W. Symonds had only built one ship of the line and one frigate, and of small vessels only nine out of eighteen had been built by other individuals. On the whole, he submitted, that the hon. Member for Tynemouth had laid no sufficient grounds to be furnished with these returns, which would be both voluminous and expensive.

Captain *Berkeley* bore his testimony to the professional merits of Sir William Symonds, and added that, from his experience of the labours of that Gentleman, he could state, that the navy were deeply indebted to him for his public services.

Captain *Dundas* said, he had no wish to depreciate the merits of Captain Symonds, but he must observe, that there were many other individuals whose talents in the same capacity well deserved the attention of the Admiralty.

Sir *C. Adam* concurred with the hon. and gallant Member for Gloucester (Captain Berkeley) in the opinion that the ships constructed by Sir W. Symonds were at once an ornament and an improvement in the British navy. He knew no ships at all equal to those which Sir W. Symonds had produced.

The motion negatived.

HOUSE OF LORDS,

Tuesday, July 4, 1837.

MINUTES.] Bills. Read a second time:—Tithes Commutation Act Amendment.—Read a first time:—Imprisonment for Debt; Malt Duties; Borough Boundaries; Reform of Parliament (Ireland).

Petitions presented. By the Bishop of LONDON, from Derby, against Sunday travelling and trading.

MUNICIPAL CORPORATIONS ACT AMENDMENT.] A Conference was held with the Commons, when Lord John Russell, stated the reasons of the House of Commons for disagreeing with one of the amendments made by the House of Lords in the Corporations Act Amendment Bill, and that they agreed to the remainder.

ATTENDANCE BEFORE COMMITTEES.] The Bishop of *Exeter* observed, with reference to a message which had been brought from the House of Commons, requesting that he might be allowed to attend to be examined before the Committee of that House on education in Ireland, that he was a Member of their Lordships' Committee on this same subject, and, therefore, that he was not disposed to attend to give evidence elsewhere, conceiving that such a course would be inconvenient and unjust towards their Lordships.

Lord *Ellenborough* said, that it was the privilege of their Lordships not to attend Committees of the other House unless they pleased; but the best course to be pursued was to remain silent in reference to the request of the Commons.

The conversation dropped.

CRIMINAL LAW.] Lord *Denman* rose to move the second reading of the Forgery Bill, and the other Bills for amending the criminal law, which had been sent up last week by the House of Commons. Before he entered into any general statement respecting these Bills, it would be better for him to advert to the first Bill because it was desirable that their Lordships should have an opportunity of considering the provisions of that Bill as speedily as possible. Under the peculiar circumstances in which it came before them, he thought there was no ground for postponing it, and that the best mode was to carry it into effect with the least possible delay. The Bill was introduced on the recommendation of the Criminal Law Commissioners, and the great object of it was to assimilate the statute-law to the actual administration of it. When it was a well-known fact that in six or seven species of crime the law and the practice were different, he asked if such a state of things ought to last, and if they were not called on to relieve judges and juries from the disagreeable position in which they are placed by the present state of the law on forgery? The Report of the Commissioners, after having been forwarded to the Secretary of State for the Home Department was submitted to the judges, and it was their opinion that it was desirable the change recommended should take place. Though the Bill would not come into operation till September next, yet if it were made the law of the land without delay, the judges would act in conformity to it on the ensuing circuit, and besides it would come into operation for the Central Criminal Court in October. The Bills which he proposed for second reading were the Forgery Bill, the Robbing and Stealing from the Person Bill, Burning and Destroying Buildings and Ships Bill, Transportation for Life Bill, Burglary Bill, Piracy Bill, and Offences against the Person Bill. He would begin with the Forgery Bill, because he happened to be Attorney-General when a Bill was introduced by him in the House of Commons containing nearly the same provisions with the Bill before their Lordships. The object of that Bill was to abolish capital punishment for forgery in all cases; but some exceptions were afterwards made—exceptions which he did not think could be justified on the principle of the Bill, because the parties injured still declared that they could not prosecute for the offence when death ensued; one of these exceptions was the forgery of a will—no doubt a most heinous offence; but it was singular that in the next Sessions after the Bill was passed with that exception, no less than five or six cases of forgery of wills came to be tried, these were chiefly forgeries of seamen's wills, to a trifling amount, and it was not thought proper, in any of these cases, to carry the law into effect; and even last year a case occurred to which it was found inexpedient to execute the full penalty of the law. It was a forgery of a will to a great extent, he believed to the amount of 7,000*l.*, not only by a trustee, but a brother, with no chance of it ever being repaid. He believed no person in court at the time thought it possible to inflict the punishment of death even for such an aggravated offence. That being the case, was it not a fact that the punishment of death for forgery had been virtually repealed? Was it not much better that the statute-book should be relieved, and prosecutors should be enabled to come before the grand jury to make their complaints without reluctance against crimes which they knew would not be punished with undue severity? When that Bill passed it was foretold that London would be inundated with forgeries. It was satisfactory to learn that forgeries were less numerous than formerly, and that the proportion of prosecutions had considerably increased. That had been ascertained both at the Bank and other places. The forgeries on the Bank had considerably decreased. It, was therefore satisfactory to know that while the law had been mitigated the number of aggravated cases had also become less. The great principle of the Bills before the House was, that crime should be visited with certain punishment. It was proposed to change the punishment of death to transportation for fifteen years, and for aggravated cases to transportation for life. In cases of robbery attended with violence the offender was still to be subject to the punishment of death. With regard to offences against the person, about which so frequently doubts arose and great uncertainty prevailed, it was proposed that in all cases of attempting to poison, stab, or maim, where any bodily harm ensued, the punishment of death should still be inflicted, and in cases of poisoning or attempting to commit any act of violence where no bodily harm was inflicted the punishment was to be transportation for life or for fifteen years. There was also a newly discovered crime included in that Bill, several instances of which had occurred lately. He meant sending letters or parcels containing detonating powder, and in that case when any harm ensued the party was to be transported for life. Attempts to procure abortion were also to be punished with transportation for life. With regard to another offence—that of arson—it was found impossible to get any jury to convict unless it was proved that life had been endangered. It was proposed, therefore, to abolish the capital punishment for arson in cases where life was not endangered, and to confine it to setting fire to dwelling houses as formerly. The next crime was burglary in a dwelling house—one of the lightest offences often that could be committed, but for which the punishment was death. It was proposed by the present Bill to make the punishment for burglary transportation for fifteen years. In cases of burglary attended with circumstances of personal violence or bodily fear, the punishment was still to remain capital. With regard to the definition of the period of night upon which depended the crime of burglary, much uncertainty had previously existed on this subject, and it had been held that as long as it was light enough to distinguish the features of a man it was not night. It had been thought more advisable, however, to fix a period for the duration of night as respected burglary—namely, from nine in the afternoon until six in the morning, which was the general period of repose, and it was for the purpose of giving additional protection to the inhabitants of houses whilst in that state and less able to protect themselves, that the distinction was made at all. The offence of stealing in a dwelling house, if accompanied by threats, was to be punishable with transportation for not less than ten years nor more than fifteen. Piracy also was to be punishable with transportation, unless accompanied by the additional crime of cutting, stabbing, or wounding the persons on board. It would be seen from these details that it had been the object of the framer of these Bills to make a distinction between the various shades of offences as far as could be done. At the same time, however, it would be idle to suppose that this object could be perfectly accomplished, and that a discretion vested in the hands of the judges and of the Secretary of State would not still be necessary. It was certainly very desirable that the law should be as certain in its operation as possible; but this, he thought, was to be aimed at more as to convictions under the law than the rigid execution in all cases of its extreme penalties. Taking away the life of a fellow-creature was at all times a very serious and a very painful step to take, and necessarily left a feeling of very great and awful responsibility upon the mind of the man whose lot it was, in his judicial capacity, to pronounce the dreadful sentence—a responsibility which he thought no judge could conscientiously shift from his shoulders, even by the reflection that the offence for which the prisoner was tried was one which fell within the exact letter of a capital enactment. However anxious, therefore, the Legislature might be in defining offences, and apportioning their respective penalties, some discretionary power must still be vested in the administrators of the law. There was one practice at present in use which he felt sure none of their Lordships would be found very much to approve of—namely, the practice of recording the sentence of death in cases where it was never intended to be carried into execution. Formerly, when the law was more strict than at present, the judge was obliged in every case to put on the dreadful cap, and pronounce the sentence of death against the unfortunate prisoner, although it was not intended to be enforced, until at length this ceremony, awful in itself, was held in as little respect as the *cantalena* of an old song. Subsequently, however, in these cases this ceremony had been dispensed with; and though a still more solemn act was adopted in its stead, namely, that to which he had already adverted, of entering upon parchment the record of the prisoner's sentence, a process which, until it became understood, bore with it every feature of terror to the prisoner and his unhappy friends, who were often for weeks in a state of painful apprehension on the subject. He merely made these observations for the purpose of impressing upon their Lordships the necessity for adopting a system of greater simplicity in the processes of our courts in criminal cases. In the Bills now before the House he should show that in all cases not only had the punishment of transportation been apportioned, but a power was also given to the judges of imprisoning the offender sometimes for as long a period as five years; so that while a more merciful code of legislation was adopted by them, ample care was taken to protect the property and lives of her Majesty's subjects, and to deter and punish offenders. He must be permitted to observe in conclusion, that it appeared to him extremely important that these Bills should be passed in the present Session. Never was there a Sovereign, perhaps, more inclined to the lenient execution of the laws against offenders than his late Majesty, under whose reign these Bills were first introduced; a Monarch who, as he never bore in mind the recollection of a personal offence against himself individually, was at all times most anxious when a person came before him as a convict to extend to him the most merciful consideration his case would admit of. Such being the character of the Sovereign they had just lost, he thought it would be a most auspicious opening of the reign of his successor to pass a series of measures like the present, the object of which was, to render the criminal laws of this country at once as simple and as lenient as possible.

Lord *Wynford* did not rise for the purpose of objecting to these Bills; the fact was, he really had had hardly time to look them over, as they were only delivered out yesterday, and he had had them but a few hours in his possession. Far was it from his wish to dispute the testimony of the judges of the land, which the noble and learned Lord opposite had adduced in favour of these measures; but he must be allowed to confess his sorrow that their Lordships had not had an opportunity afforded them of determining whether the opinion of the learned judges on this important subject was a correct one or not. The fact was, these Bills had been in the other House of Parliament several months, and they were now brought up to their Lordships at a period when it was morally and physically impossible for them to do them justice. If it was intended to propound to the country that this House had become of no more use than to pass all the laws which might be sent up to it from the House of Commons, he could conceive no better way of encouraging such a notion than proceedings like the present. Here were seven important Bills just brought before them, altering the whole criminal law of the country, which had been the growth of centuries. Why, if every moment remaining of the Session were devoted to them, it would be impossible to do them justice. He certainly agreed in the general principles of many of these Bills; he wished, if it were possible, to see established a more lenient code of laws in respect to criminal offences. In cases of robbery, for instance, he thought it extremely important that a milder punishment should be inflicted than death, which was the utmost that could be inflicted, if the more horrible crime of murder were added to the theft. In the great crime of arson, however, he could not agree in the expediency of relaxing the punishment now affixed to it. He should be glad to do so if he could, but he really thought that a man meditating such an atrocious and cowardly act as that of destroying the produce of the soil, so important to the sustenance of man, at a distance, perhaps, from all human habitation and protection, would be deterred by no slighter punishment than death. He had only to repeat, that he should be perfectly ready at a more favourable time to enter upon the important details of this subject, but he felt that at the present period it would be impossible to do it justice.

The Duke of *Richmond* said, that if he thought agricultural produce would be endangered by removing from it the punishment of death, he should be the last person to vote for the Bill, to which the noble and learned Lord objected. But he felt convinced that there were few persons at all acquainted with the subject who were not aware of the very great difficulty which under the present state of the law existed in getting juries to convict. Therefore, the altering of the law would rather tend to increase than diminish the security of property from this offence, a certain punishment being substituted for an uncertain one. There were, he must say, some points upon which he wished these Bills had gone a step further. He thought, for instance, that in the grave offence of rape the law should be put upon a more certain and efficacious footing, it being notorious that while the offence itself if completed was capital, the mere fact of it not being perfectly accomplished, perhaps through some accidental circumstance, reduced the offence, where the intent was still the same, to a mere assault, with intent, &c., for which the judges could only inflict imprisonment, and that without hard labour. He thought amongst other things that it would be found a very great practical advantage if these Bills had provided before whom certain offences should be tried, and that this matter should not be left so much to the option and discretion of magistrates, who in many parts of the country were accustomed to send prisoners either to quarter sessions, or the assizes, as they thought proper, or some to the nearest gaol, others to that which they thought would be first delivered.

Lord *Lyndhurst* was sure that the House would not fail justly to appreciate the able, perspicuous, and eloquent manner in which his noble and learned Friend, the Chief Justice, had brought these Bills under their consideration. He should, in the first place, remark, that one of the alterations which it was intended to effect by means of these measures, and which did not meet with the concurrence of his noble and learned Friend near him (Lord Wynford), appeared to him a decided improvement—he alluded to the punishment which the law inflicted upon persons guilty of the crime of arson. When he filled the office of Chief Baron he had tried several persons for that crime, and he found that in almost all instances the case for the prosecution depended upon circumstantial evidence. To any person having experience in criminal courts he need hardly observe, that few things are more difficult than to lead the minds of a jury to bring in a verdict of guilty where they must draw their conclusions from a variety of minute facts; upon that ground, and likewise upon grounds distinct from it, he should certainly support the alteration which related to arson. Looking upon the whole of those Bills as one measure, and fully concurring, as he did, in their principle, he should vote for the second reading. In the course of the last few years they had had much experience in the administration of the criminal law, and he felt perfectly satisfied that the results of that experience must lead to the conclusion that severity of punishment did not repress crimes, and that the most effectual mode of repressing them was to combine moderate punishments with a steady and strict administration of the law. Although perfectly willing to assent to the principle of the Bills, he could not help objecting to them on the ground of their being so numerous, for he saw no reason why the whole of these enactments should not be consolidated into one or two Bills, instead of being spread over eight or nine. It was not thus that Sir Robert Peel proceeded with the work of reform in our criminal law; the course which he adopted was exactly the opposite of that pursued by the promoters of these Bills. That right hon. Baronet, in the changes which he introduced, comprehended the laws relating to larceny, to a variety of offences against the person; he might add, that those changes extended to the whole body of our criminal law, and that they had been successful; they had met with the full approbation of the profession, and they had been attended with the best effects; yet those amendments were not, like the present, spread over eight or nine Bills, but on the contrary, were measures of consolidation. That concise and compact mode of legislation, however, did not appear to accord with the opinions of the authors and promoters of the Bills then on their Lordships' table. No doubt eight or nine measures were calculated to make a greater impression upon the minds of that portion of the public who were not in the habit of paying much attention to subjects of that nature; at the same time he did not by any means intend to insinuate that a motive of that description could influence the individuals who introduced those Bills in the other House of Parliament, for they were too respectable to warrant such a supposition; but he begged permission to repeat his opinion that it would have been much better had they been consolidated and reduced to one or two bills. As to the course followed by his noble and learned Friend the Chief Justice, it certainly was the right course; he was perfectly right in considering all the bills together, for it was necessary that they should be all read together. When they came, however, to be examined, he did not hesitate to say, that they would be found to have been framed without that caution, consideration and minute attention which matters of so much importance required. In order to show their Lordships the manner in which bills of that sort were allowed to pass through the House of Commons, he would call their attention to the enactment relative to stealing in a dwelling-house above the value of *5l.* A person guilty of that offence was subjected to punishment by transportation for a term under fifteen-years, or five years' imprisonment, but the man who broke and entered a dwelling-house and stole from it was liable to a *minimum* punishment of seven years' transportation, or four years' imprisonment thus making it a less offence to break and enter and commit violence, and steal from a dwelling-house, than simply to steal without breaking or violent entry. Again, burglary which was a breaking and entering by night —what was the punishment? The punishment was fifteen years' transportation, or imprisonment for four years; but breaking or entering in the daytime was made punishable with transportation for life. So that, according to one of these Bills, it was a greater offence to break and enter into a dwelling-house by day than by night, and it was esteemed a less offence to break in by day or by night than to steal to the value of *5l.* This, then, was the way in which they had been treated by the other House of Parliament. After having had those Bills three months under consideration, they were sent up to their Lordships on the 29th of June with all these imperfections and blemishes, and only a few days allowed to them for their consideration. He begged to call the attention of their Lordships to other instances of difference of punishment. There was an actual increase of punishment, though the crime itself was of a less serious nature than that in which the punishment was lessened. For instance, breaking and entering and stealing in a building, not being part of a dwelling-house, but within the cartilage, was by the 7th and 8th Geo. 4th., c. 29, s. 14, made punishable by transportation for life, or seven years, or imprisonment for four years; but breaking and entering where the building formed part of the dwelling-house, and was within the cartilage, was not punishable by transportation for life, but only for fifteen years. But this was not all. Breaking and entering into a shop or warehouse, which was always considered a less offence than burglary, was made transportable for life, whereas burglary itself was only for fifteen years. Burglary, therefore, was by one of these new Bills considered a less offence than breaking into a building not being part of a dwelling-house, or into a shop or warehouse. But their Lordships were aware that burglary had always been looked upon by the law of England as one of the most serious offences. Of that crime Lord Hale said, "I come to those crimes that specially concern the habitation of a man, to which the laws of this kingdom have a special respect, because every man by the law hath a special protection in reference to his house and dwelling." And in a note to this passage he said, "That this was the notion among the Romans also appears from Cicero, in Oratione pro Domo, cap. 41,—' Quid enim sanctius, quid omni religione munitius, quam domus uniusque civium? Hic aræ sunt, hic foci, hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit.' Cicero reckons ' irruptio in domum' among the ' scelera inexpiabilia.' " And Mr. Justice Blackstone observed, on the same offence, —" Burglary, or nocturnal housebreaking, has always been looked upon as a very heinous offence not only because of the abundant terrors that it naturally carries with it, but also as it is a forcible invasion and disturbance of that right of habitation which every individual might acquire even in a state of nature." And again, "If any person attempts to break open a house in the night-time, and shall be killed in such an attempt, the slayer shall be acquitted and discharged." The framers of these Bills, however, seemed to have a very different notion of the crime of burglary. Such were the effects of having these Bills considered separately, and not consolidated into one comprehensive measure. Again, stealing a lamb was made an offence for which the party might be transported for life, or for fifteen years, and yet the very same punishment was awarded for shooting at, or maiming, or even dangerously wounding, an officer of the army or navy on full pay (for those were the words of the act), or officer of the customs duly employed for the prevention of smuggling. There were objections which he felt it his duty to point out to their Lordships: but they were only a few of several classes of objections which he could mention. At the same time, he thought that the Bills ought to be allowed to proceed, and that they would be useful when freed from some of their present imperfections and inconsistencies. There were, however, other alterations which it would be useful to make in these bills. He would mention one—that of parties refusing to disperse within one hour after the Riot Act had been read being liable to the punishment of death. That was a punishment which he thought should not be applied to that offence. In this opinion he was confirmed by that of a writer who had published many valuable works in prose and in verse—works from which, no doubt, the world had already derived great benefit. From one of those works only would he make any quotation. It was a work of simple prose, but was so full of imagination as to its arguments and conclusions as to justify the remark of Horace—

> ——— "pictoribus atque poetis,
> Quidlibet audendi semper fuit aequa potestas."

In that work which their Lordships might see at Mr. Murray's in Albemarle street, he found the Riot Act thus spoken of:—"The Riot Act (for so this law was named) is to be blamed solely for the severity of the penalty attached to an offence which, according to circumstances, might be a very grave or a very slight one. In principle, there is no sound objection to be made to this statute." And in the next page the writer added—"In order to make it perfect, however, it would be requisite—1st, that the penalty should be less severe; 2nd, that a provision should be inserted for making the proclamation in a loud voice, and, if possible, in several parts of the crowd, so that it might be well heard and understood; 3rd, that in order to protect the people, it should be enacted that unless when some breach of the peace is committed, the crowd should not be dispersed by force within the time mentioned by the proclamation, nor any person arrested within that time for the sole offence of being present at such meeting." The act was most important, and, considering who was the author of the work in question, and who was the author of these Bills, he owned he did expect that the remaining for an hour after that act was read would have had a different punishment proposed for it. He could not have thought that the new act would have continued the punishment of death for such an offence. Then again, there were punishments for new offences, while there were other offences for which the punishment was altogether removed—for instance, attempting to prevent persons escaping from a wreck with a view to robbery. Why was the punishment taken away in that instance? There was next the case of administering poisonous or other drugs for the purpose of procuring abortion. According to the Bill, as it now lay on their Lordships' table, it must be proved, to constitute the offence, that the woman was actually pregnant at the time; but surely it would be admitted, that if the man thought she was with child, and administered the drugs with the view to procure abortion, the moral guilt of the offence was the same. He did not, however, believe that this change was intentionally made. It occurred *per incuriam.* He had felt it necessary to call the attention of their Lordships to these matters because they made it expedient that the measures should receive a more minute consideration than would have been required had greater care been bestowed upon them elsewhere. Another object of some of these Bills related to secondary punishments. With respect to transportation, he did not think it a bad secondary punishment, but he differed widely from the framer of those Bills as to the five years of solitary imprisonment. That was a punishment which he thought should never be imposed. On this subject he would read to their Lordships an extract from a work of Archbishop Whately on secondary punishments. Speaking of solitary imprisonment, the most rev. Prelate said:—

> "It appears, that before the adoption of the present system at Auburn, an experiment was tried at that prison of the effect of perpetual solitude upon eighty prisoners, during a period of ten months. The result was decidedly unfavourable to the adoption of the plan, and it was accordingly abandoned. The punishment was found, in many cases, to injure the health, to impair the reason, to endanger life, to leave the prisoner enfeebled and unable to work on quitting confinement, and as ignorant of any useful occupation as when he entered it. Reformation did not follow, and consequently recommitments were more frequent. This testimony is corroborated by the opinions of the governors of several of the best regulated prisons in England, whom the Committee have consulted on this important subject. They unite in stating their conviction that solitary confinement is a punishment to be used with extreme caution; that the health of every individual must be regularly watched: that serious effects would have resulted from its adoption in their own experience had they not been prevented by the timely removal of the prisoner into society, and that it would not be wise to render general a discipline, the administration of which requires unceasing vigilance, and the abuse of which may be so fatal to the mind as well as health of the prisoner. Much of the benefit ascribed to solitary confinement may be derived from allowing the prisoners to labour in classes, agreeably to the course pursued at Auburn, but restricting them to the most rigid observance of silence. Great importance is justly attached in these penitentiaries to the effect of religious impressions in a state of solitude; and, doubtless, the arrangements for impairing such have been carefully made."

In these remarks he most fully concurred, but with all his objections to parts of these Bills, he agreed that they should be allowed to go to Committees, where he hoped that, even at this advanced period of the Session, time might be allowed for curing some of their defects.

Lord *Brougham* agreed, in part, with both his noble and learned Friends who had spoken, and he thought that great praise was due to his noble and learned Friend, the Lord Chief Justice, for the able manner in which he had introduced this important subject. He wished he could so entirely approve of the manner in which, and the time at which, these Bills were brought before their Lordships. He was constrained to admit that, after the other House had had those measures of this great importance and of considerable difficulty so many months, it was expecting too much that their Lordships should, in as many days, expedite and pass those measures. This he was bound in fairness to state. He hoped, however, with his noble and learned Friend opposite (Lord Lyndhurst) that if it were possible to pass these Bills this Session, their Lordships would consider that they were satisfactorily discharging their duty in passing them. His noble and learned Friend had pointed out a great number of inconsistencies, and some of them very glaring ones, in these Bills; but if he rightly comprehended his noble and learned Friend's statements, he (Lord Lyndhurst) did not contemplate so much the provisions of the Bills themselves, as the changes which they introduced into the criminal laws compared with the acts which remained unaltered. By that comparison real absurdities were proved, owing to the introduction of these measures partially, and not waiting till a final scheme was matured for the consideration of Parliament. He entirely agreed with his noble and learned Friend behind him (Lord Denman) in what he had said of those persons from whom the Bills in reality proceeded—he meant the Criminal-law Commissioners. He thought it but fair to those learned gentlemen, that he should state what their opinions were on this subject, from which it would be seen that they had entirely anticipated the objections of his noble and learned Friend (Lord Lyndhurst). The noble and learned Lord here read an extract from the Report of the Criminal-law Commissioners, in which they stated, as their opinion, that any partial alteration in the law would inevitably produce great inconvenience, and that the only effectual remedy consisted in an entire revision and re-construction of the whole fabric of the criminal law. Those learned gentlemen expected that early in November next their final Report and digest of the law would be ready, so that if the Commons had waited a little longer they might have avoided those anomalies and inconsistencies to which the noble and learned Lord had adverted. It was but equally fair towards his noble Friend the Secretary of State for the Home Department (Lord John Russell), to say that he had no idea of any such motive, such a puny motive, influencing his noble Friend as that which had been imputed to him. He would not say imputed, for his noble and learned Friend stated that he did not intend to impute anything of the kind; the tendency, however, of his noble and learned Friend's (Lord Lyndhurst) observations was to charge his noble Friend (Lord John Russell) with introducing these Bills for the express purpose of gaining a paltry temporary popularity, with a view of making a show of improving a criminal law, of appearing to do a great deal, when in fact he was doing little or nothing, and of propounding eight or nine Bills when one would have been sufficient. He believed that the real fact was, as was stated by his noble and learned Friend (Lord Denman), that it was deemed more convenient to keep these Bills separate, in order that the opinion of Parliament might be separately directed to them, and that it was supposed this would be an advantage. He confessed that though he thought those changes were very properly introduced, his opinion was, that there was no very great amendment or improvement of the law. It had always been a great object to make the practice under the law tally with the letter of the law, to get rid of that opprobrium which consisted in punishments being pronounced which were never intended to be inflicted. With a single exception, he did not perceive that by those Bills it was likely that any execution less would take place than took place under the old law, as it had of late years been administered. The law was understood to be mitigated in its practice, but the truth was that the practice of the law at present was so different from its letter that there would be practically the same degree of severity after these acts had passed that existed at present. It was well known that no judge on the bench would leave persons for execution for offences in respect of which the capital part of the punishment was intended to be taken away by these Bills. He might be asked how much further he would go than these Bills went? He was of opinion that capital punishment might be still further diminished; and not only in those instances in which it was the manifest intention by future bills to take it away, as rioting for instance, but also in other cases, in which it was the evident intention of the criminal-law Commissioners to propose its abolition. He was disposed to go further than any proposal he had seen in those Bills, or in the correspondence of the Commissioners, having, from long consideration, and some experience in the administration of the criminal laws when he had the honour of serving his late Majesty, also from much communication with persons of experience in the administration of the criminal laws, and with individuals who, though not immediately concerned in the administration, had, nevertheless, great practical knowledge of their working —from all these sources he had derived an opinion, which was strengthened every day, that capital punishment altogether failed, and was from its very nature calculated to fail, in producing the effect which it was desirable should flow from it, and for which, or rather for its tendency to produce which, it was alone justified. With respect to the punishment of death for murder, these Bills did not interfere with it; it was a question which had often been mooted, and as in the present discussion he was not called upon for an opinion upon this particular case he was willing to pass it over. He was strongly inclined to question the propriety of inflicting the punishment of death at all, as he thought its infliction had a tendency to brutalise those who witnessed it. It had a tendency to prepare those who witnessed it for the Commission of the very offences to prevent which it was pronounced necessary, or at least desirable; and in his opinion the infliction of this extreme punishment had a direct tendency to encourage the perpetration of offences, and even of the crime of murder itself. This being his opinion, he should rejoice greatly if he found, in their further recommendations on this subject, that the learned Commissioners went to a considerably greater extent than they had hitherto gone, as certainly it was not justifiable to say that it was intended by these Bills to pronounce any final opinion as to the extent they ought to go. When the Commissioners made their final Report and digest of the criminal laws, he hoped that they would recommend a considerably larger reduction of the present amount of capital punishment than was proposed by these Bills. They must take great care lest, in making the practice and the letter of the law conformable to each other, they should thereby increase the amount of capital punishment. The object in view seemed to be to render the sentence pronounced and the punishment one and the same thing; and it appeared to be understood that punishment once pronounced should invariably be carried into execution. He believed and hoped that his noble and learned Friend (Lord Denman) meant no such thing, as he thought that he would not be discharging his duty to his own conscience, to their Lordships, to the country, and above all to the administrators of justice themselves, if he did not place before their eyes this as a possible contingency of a partial mitigation of the criminal laws, a contingency which he would most strenuously contend against. When he stated so strong an opinion against capital punishment, he wished to guard himself against being supposed to ground his opinion upon anything founded either on a religious or an ethical principle as to the unlawfulness of inflicting capital punishment; his opinion was grounded upon its utter inexpediency and upon its tendency to defeat its own object. With respect to the efficacy of punishments generally, he had upon former occasions stated that they were generally unsatisfactory. The idea of abolishing all punishments he was not frantic enough to think of. As long as man existed he must have a penal visitation for offences. But the example of the punishment of one offender would not deter those who witnessed it, or who heard of it, from the commission of those same offences; it was a proposition which they all wished to be true, but experience had shown its falsehood. But there was another mode of prevention much more effectual—he meant a paternal Government superintending the education of the people, the encouragement of good habits, and above all the spread of infant schools, where right habits might be formed—where good feeling might be cultivated—and where, if they were as universal as they ought to be in this country, as universal as the public had a right to demand, as universal as it was the bounden, paramount, he might say imperative and sacred duty of the Government and the Legislature of the country to make them, and to spread them all over the community, it was his firm belief, founded upon every hour's experience and observation, by every day's and every night's reflection fortified and rooted still deeper in his mind, that they might look with confidence towards effectually and wisely mitigating the criminal code; and that the final result would be a great, a sensible, and a rapid diminution of all offences amongst all classes of her Majesty's subjects.

Lord *Denman* was agreeably surprised to find that his noble and learned Friends on both sides of the House were so much inclined to support these Bills. He hoped that he should have the assistance of both his noble and learned Friends in making these measures as perfect and unobjectionable as possible.

The Bills were severally read a second time.

HOUSE OF COMMONS,

Tuesday, July 4, 1837.

MINUTES.] Bills. Read a third time:—Parliamentary Electors; Letters Patent; Cruelty to Animals (Ireland); New South Wales.—Read a second time:—Central Criminal Court; Bank of Ireland.—Read a first time:—Militia Expenses; Militia; Ballot suspension; Exchequer Bills; Slave Trade; Consolidated Fund; Tithe Compositions (Ireland) suspension.

HAND-LOOM WEAVERS.] Mr. *J. Maxwell* rose, to perform what he felt to be a duty to the poorer classes of his countrymen, who were not directly represented in that House. He did not doubt that the Government were wiling to listen to his representations, and to adopt some measure for mitigating the distress which prevailed, but they were so occupied with changes as to forget to perform an act of justice and mercy to these suffering men. Petitions had been presented to the House from all classes of the community, and a Committee of that House had recommended the same course as those petitions pointed out for alleviating the sufferings of their operative countrymen,—namely, the introduction of a measure for the regulation of the rate of wages. Those distressed individuals were themselves convinced that such a measure alone could remove the pressure of want under which they at present suffered, and numerous petitions had been presented in its favour. But their representations had been coldly treated, and the House had refused to listen to their solicitations. Now those individuals might be wrong, but in such a case he considered the House bound in the most solemn manner, when large bodies came forward and asked for the adoption of a measure which they believed would mitigate their sufferings, to listen to their solicitations and to grant their prayer. Could the House doubt that those individuals knew what measure was best calculated to remove the distress under which they and their wives and children were suffering and could it be supposed that they would ask for that which would prove injurious to themselves and those with whom they were connected? Such a supposition was absurd. Was it not monstrous, then, for that House to turn round upon those persons and say, "We know better than you do, and are convinced that what you ask would prove injurious to yourselves, and therefore we will not allow a Bill to be introduced for regulating the rate of wages." Then, it was said, that the publication of the rate of wages and the prices of goods would be attended with a bad effect, but such was not the opinion of those whose interests he advocated, and he considered that the House ought to prove, by granting the measure, that the ideas which those individuals entertained were wrong. The experiment might be limited to one year, but at all events, it ought to be made in order to ascertain whether it were wise or not, and in order to satisfy those who were convinced that such a measure would prove a remedy for their distress. What course, then, was open for their adoption now that all former plans had failed? To issue a commission of inquiry was, in his opinion, the most advisable course to adopt; and he was sure that a Commission, when its object was to relieve the unrepresented, the distressed, and the miserable, would not be objected to by those who were most hostile to the creation of such bodies. If intelligent and impartial men were appointed by the Government to visit those districts where distress prevailed, and to inquire into the causes of that distress, he was certain they would make out a case of the strongest character in favour of some such legislative measure as he had alluded to, and would at all events be enabled to point out to the House what could be done to mitigate the sufferings of a large body of their countrymen, and to prevent the recurrence of such evils for the future. But the measure which he had recommended was not the only means that might be adopted for alleviating the distress of the handloom weavers. It had been the practice to take out indentures, by which the young placed themselves under the control of experienced weavers to learn the trade, and those young persons lived with their masters as members of the family for a certain number of years, till they had acquired a perfect knowledge of their business; such a system had been attended with the best results, not only as regarded the morals of the people, but in respect also to the quality of the articles manufactured. But such a system could not now be pursued, as the weavers were in so distressed a condition as to be unable to take young men into their houses as pupils. The stamp-duty on those indentures was at present 25*s.*, and if it was reduced to 5*s.*, it would prove a great means of filling again the weaving shops with moral industrious and able workmen. Another way to alleviate in some degree the distress which prevailed, would be by allowing a drawback on cotton twist used in Great Britain, or by a reduction of the duty on raw cotton. Or the duty on raw cotton might be placed on the cotton twist exported, which would give the British weaver a fairer chance of successful competition with the foreign artisan. He was also assured that a revision of our commercial treaties would prove highly beneficial to the operatives of this country; and he had been informed that were the commercial treaties with France alone placed upon a fairer footing, masters would be able, on some classes of weaving, to allow an increase of wages of from fifteen to twenty per cent. An alteration also in the present corn laws would prove highly beneficial, for at present the trade in corn was in the hands of a few large speculators, and although he was persuaded that much grain was introduced, notwithstanding the regulations which existed, yet it was introduced in such a way as to be productive of no benefit to the consumer. Upon the whole, it was his firm conviction that if the Government did not take some steps to show that they were willing to exert themselves to alleviate the distress which prevailed, the affections of the people would be alienated, and the worst consequences follow. If they sent impartial and intelligent men to inquire into the causes of the distress which was so prevalent, and if such measures as they might recommend were adopted, the Government would then have the satisfaction of knowing that they had done their duty by pursuing the wisest course for the prevention of that confusion and disturbance which there was too much cause to fear would ensue, should the extreme distress which at present existed continue for any length of time. He would conclude by moving, that an humble address be presented to her Majesty praying her to issue a commission of inquiry into the condition of the unemployed handloom weavers, with instruction to Report whether any and what measures could be devised for their relief.

Lord *D. Stuart* did not know whether the session was not too far advanced to adopt any effectual measure for the relief of the distress which prevailed, but he would never be present in that House when the case of the handloom weavers was brought forward without doing all in his power in support of their claims. Feeling it to be the duty of the Government to adopt some measures for the relief of the suffering operatives, and feeling that those persons would have a just right to complain should the House adopt no measure for removing the pressure of distress from the working classes, he would with much pleasure second the motion of his hon. Friend for a commission of inquiry.

Mr. *Clay* said, that he would not yield to any man in or out of the House in strong desire and anxiety to promote the best interests of the labouring classes of this country, but he was decidedly of opinion that the greatest injury which could be inflicted upon those classes would be by the attempt to regulate by legislative interference the rate of wages. Under such circumstances he could not concur in the motion of the hon. Member for Lanark.

Mr. *Brotherton* coming from a manufacturing district, hoped he might say a few words on this question. He commiserated in common with every member of this House the deplorable condition of the handloom weavers. He was well aware of the sufferings and distresses under which they laboured, and should be most happy if anything could be done to relieve them. At the same time he had considerable doubts as to the propriety of regulating the rate of wages by a board to be constituted as had on a former occasion been suggested for that purpose. He thought, however, much benefit would accrue to the suffering classes of the community by the regular publication of the rates of wages in different parts of the country in the same way as the prices of corn were published. So far he was willing to go, but he doubted whether any good effects would arise from the establishment of such a board as that to which he had alluded.

Dr. *Bowring* would venture to say, that any interference by legislative enactment between the weavers and their masters would be most pernicious, and by it they would, in the long run, be sufferers. He could not see the object the hon. Member had in view, and he should vote against the motion.

Mr. *Wakley* said, the motion was for a Commission to inquire into the state and condition of that suffering class of men, with a view to devise a remedy for their distress. No proposition could be more simple and plain. It was admitted on all hands that they were suffering the greatest privations, and all they asked was, not legislation, but an inquiry; and could it be possible that the House could refuse it? He thought that they could never benefit the working classes by regulating the price of wages; but he trusted the House would agree to the motion without a division, by which they would show to the working classes that even if they had not the power of alleviating their distresses, they were anxious to do so.

Mr. *Gillon* said, that the distress which at present existed was, perhaps, such as at no former period had been presented to the attention of the House. Committees had sat in the years 1833, 1834, and 1835, and it had been proved that the hand-loom weaver had to exist upon 2½*d.* a-day. He could now state that one third of their number were at present in a state of actual starvation. The Report of those Committees had recommended legislative interference, and yet nothing had as yet been done. Every thing had been yielded to grasping manufacturers, who made gain their God, and sacrificed these people to their Moloch. Even the slight boon of the publication of the rates of wages, limited as that proposition was, had been refused; and though two years ago the sympathies of the House had been excited on behalf of the Irish clergy to the extent of a considerable grant of the public money, nothing had been done for the hand-loom weavers. This might be accounted for, because the clergy were for the most part connected with the aristocracy, but the poor weavers were not, and he was sorry to add, that they were but very partially represented in that House. Should it be said that 1,000,000 of British subjects were in a state bordering on starvation, and that no inquiry should be made? It was asserted that a repeal of the Corn-laws would be a relief, but he ventured to say that if the duty was reduced to one-tenth of its present rate, it would afford no relief to the suffering classes in question. He would cordially support the motion.

Mr. *Poulett Thomson* did not know whether the object of the hon. Gentleman, who had just sat down was to produce an effect elsewhere; if so, he (Mr. Thomson) must say he had failed in his object. The language he had applied to the manufacturers of the country was calculated to meet the disapprobation of the very classes whose cause he wished to advocate. With regard to the motion he would at once say, that he could not consent to it. He admitted that the terms of the motion were definite; but the hon. Member should have been prepared to show that some good would result from the inquiry he proposed. It had been said by the hon Member for Finsbury, that if this inquiry was granted it would be satisfactory to the parties, and would show that the House sympathised with their misfortunes. Now, as far as he (Mr. Thomson) could learn, the parties did not desire the inquiry proposed; and he felt that it would have this disadvantage—that it would excite false expectations and false hopes. That was to him a sufficient reason for refusing it. The only object of a Commission could be to obtain an inquiry into the subject. But a Committee of the House had sat for two successive years already, and had investigated the subject most fully. The result of their labours had been laid before the House in two large volumes of evidence which they had collected. Nothing more in the shape of information could be obtained by a Commission. If any hon. Gentleman supposed he could bring forward a remedy for the distresses of the poor persons in question, let him bring it forward, and let it be discussed. He was aware his hon. Friend would reply that he had brought forward a remedy. But then the House had held a different opinion on the adequacy of that remedy, and declared that they did not consider him to be the doctor who could prescribe for the case with success. He was sorry that his hon. Friend had complained that there was a want of sympathy in the Government, or in that House, for these distressed persons. It did not follow, because they disagreed with the hon. Gentleman as to the remedy, that they had no sympathy for the case of the unemployed weavers. In his opinion a change for the better depended very much on themselves. With these views he should feel bound to oppose the motion of the hon. Gentleman.

Sir *R. Bateson*, had always conscientiously supported the opinions expressed by the hon. Member for Lanark, and as he was almost the only Irish Member present, he would take the liberty of calling the attention of the House to the state of the north of Ireland, where the people who followed the unfortunate trade in question were in a state of the greatest distress, and many were actually starving. In Belfast, with which place he was most intimately acquainted, many thousands of persons who had been remarkable for their industry, sobriety, and orderly demeanour, were now reduced to want and wretchedness. For the last ten years things had been gradually growing worse and worse with them. He remembered the time when they earned from 25*s.* to 30*s.* per week, but now a man with the united exertions of his family could scarcely get more than 3*s.* 6*d.* a-week, so that a vast number were sunk into absolute beggary. Such a state of things ought not to be allowed to continue. Hunger and misery must have their bounds, and he dreaded to contemplate the consequences that might arise out of the unpitied miseries of the industrious poor. The committee to which the hon. Gentleman opposite had referred was appointed for a particular purpose, and did not embrace the object of the hon. Member for Lanark. He wished to ask the right hon. the Chancellor of the Exchequer whether he had received any information respecting the extent of distress in the north of Ireland? Did he know that in Belfast there were from 6,000 to 10,000 persons out of work? Had he learned what was the state of things in Down, in Armagh, in Londonderry, in Tyrone, and in Donegal? Had he been told that the linen-weavers were at a complete stand still? He would ask the right hon. Gentleman whether in such a state of things he did not think it was his duty to advise her Majesty's Government to adopt some measure of relief for that suffering portion of her subjects? He called on her Majesty's Government to take into immediate consideration the case of the starving operatives engaged in the linen trade He should support the motion of his hon. friend opposite.

Mr. *Fielden* was understood to say, that if her Majesty's Ministers could not find any means of relieving the distresses of industrious people, they were unfit for their post, and it was high time some other mode of Government should be adopted. If large portions of the people were allowed to starve in a land of wealth and plenty, it was quite clear that the true purposes of Government were not answered. It was their duty not only to ascertain the cause of the distress, but having ascertained that such distress existed, to take measures for the application of a proper remedy without delay. He thought a commission of inquiry might lead to some good result; at least it could not possibly do any harm. It was stated in a circular, of which he had received a copy, that in the township of Marsden near Colne, Lancashire, 230 families comprising 1,400 individuals, had no more than 13½*d.* per head for their weekly support, including all the parish relief which can be afforded them, and a great many more families are in circumstances very little superior, not having more than 18*d.* or 20*d.* each. Such a state of things was dangerous as well as afflicting, for it was impossible to suppose but that endurance must come to an end.

Mr. *Hindley* lamented the present deplorable condition of that laborious and deserving class of men, the hand-loom weavers. It was owing no doubt, in some degree to the extensive introduction of machinery, but with that the House could not interfere. The emigration of Irish labourers had also tended greatly to aggravate the evils of their condition. The next cause to which he attributed their distress was the high price of corn, with respect to which the most substantial relief could be afforded, on every principle of justice, by a repeal of the Corn-laws. He hoped a Commission would be granted; it could do no harm, it might do good, if it tended only to show that a feeling of sympathy towards that suffering class was entertained in that House.

The House divided:—Ayes 53; Noes 45: Majority 8.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Barclay, C.
Barnard, E. G.
Blake, M. J.
Bowring, Dr.
Brodie, W. B.
Byng, G. S.
Cavendish, hon. C.
Chalmers, P.
Dennistoun, John
Dillwyn, L. W.
Divett, E.
Donkin, Sir R. S.
Fergus, John
Fergusson, R. C.
Gordon, R.
Hastie, A.
Hay, Sir And. Leith
Howard, Philip Henry
Howick, Viscount
Inglis, Sir R.
Lennox, Lord G.
Morpeth, Viscount
Murray, J. A.
O'Connell, M. J.
Palmerston, Viscount
Parker, John
Parnell, Sir H.
Patten, J. W.
Pease, J.
Pinney, W.
Price, Sir Robert
Rice, right hon. T. S.
Russell, Lord John
Sanford, E. A.
Smith, R. V.
Stanley, E. J.
Stanley, Lord
Thomson, C. P.
Tracy, C. H.
Warburton, H.
Wilbraham, G.
Wood, Charles
Wynn, rt. hon. C. W.

TELLERS.

Seymour, Lord
Grey, Sir G.

List of the NOES.

Alsager, Captain
Archdall, M.
Baillie, H. D.
Baring, T.
Bateson, Sir R.
Beckett, Sir J.
Bish, T.
Blackstone, W. S.
Borthwick, Peter
Brotherton, J.
Brownrigg, S.
Chandos, Marquess of
Chaplin, Colonel
Codrington, Sir E.
Crewe, Sir G., bart.
Darlington, Earl of
Dugdale, W. S,
Duncombe, hon. A.
Eaton, Richard J.
Elley, Sir J.
Euston, Earl of
Fielden, J.
Freshfield, James W.
Gaskell, James Milnes
Gillon, W. D.
Goring, Harry Dent
Grimston, hon. E. H.
Hale, Robert B.
Hamilton, Lord
Hindley, C.
Jervis, John
Lawson, Andrew
Lowther, Col. H. C.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mahon, Viscount
Manners, Lord C.
Meynell, Captain
Pattison, James
Plumptre, J. P.
Richards, R.
Robinson, G. R.
Rushbrooke, Colonel
Shaw, right hon. F.
Sinclair, Sir George
Vere, Sir C. B.
Vigors, N. A.
Wallace, Robert
Wood, Alderman
Wyndham, Wadham
Yorke, E. T.
Young, G. F.

TELLERS.

Maxwell, John
Wakley, T.

COMPENSATION TO THE LATE SPEAKER.] The *Chancellor of the Exchequer* moved for a Committee to consider the case of the late Speaker and officers of the Houses of Parliament, who suffered by the fire of the former Houses of Parliament, and to report on the same. If he thought the Report of the Committee was to preclude the House, he should not propose it at the time so few Members were in attendance; but the object was not to commit the House to any ultimate decision. All he asked was, that before the House came to a vote upon the subject, they should know the facts of the case.

Mr. *Warburton* did not think it proper that any such grant should be proposed at this late period of the Session, when no Members could be got to attend the Committee.

Debate adjourned.

HOUSE OF LORDS,

Wednesday, July 5, 1837.

MINUTES.] Bills. Read a first time:—Reform of Parliament (Ireland); Punishment of Death; Ecclesiastical Appointments suspension; Secular Jurisdiction (York and Ely; Beet-root Sugar; Post-Office Management; Excise Duties; Grand Juries (Ireland); Treasurer of Counties (Ireland); Bills of Exchange.—Read a second time:—Attorney and Solicitors.

Petitions presented. By the Earl of KINNOUL, from Dunfield, in favour of the Lord's-day Bill.

HOUSE OF COMMONS,

Wednesday, July 5, 1837.

MINUTES.] Bills. Read a third time:—Reform of Parliament (Ireland); Beet-root Sugar; Masters and Workmen; Post-Office Management; Treasurers of Counties Ireland); Ecclesiastical Appointments Suspension Bill.—Read a second time:—Bank of Ireland; Militia Pay; Militia Ballot Suspension; Exchequer Bills (Public Works); Corporate Property (Ireland); Slave Treaties; Consolidated Fund; Tithe Advances Bill.

Petitions presented. By Mr. PHILIPS, from Ashton, for repeal of the Duty on Raw Cotton; and from Manchester, in favour of the Small Tenements Bill.

KAFIR WAR.] Mr. *W. Gladstone* said, that he rose to lay on the table a petition from freeholders and other residents of the Cape of Good Hope, praying that a Commission might be appointed to investigate upon the spot, charges which had been made in this country, seriously and grievously as they considered, affecting their character, relatively to their intercourse, for a long period of time, with the Aboriginal tribes. The language of the petition was strong, stronger than in ordinary cases he would wish to be the means of placing before the House, and only excusable under the peculiar circumstances of these colonists, smarting from the severe inflictions they had sustained by the Kafir War, which took place in the winter of 1834. The petition was aimed at the conduct of her Majesty's Government. He did not feel it necessary to identify himself with the allegations it contained, because he did not feel that he had in his possession all the data necessary to enable him to form a judgment upon the course which had been pursued. The hon. Member stated the substance of the petition. In conclusion, they prayed, not correctly in point of form, that the House would appoint a Commission; but he might say, that a Commission should be appointed, to examine, upon the spot, into the truth of the facts alleged concerning the past, and into the policy which it would be desirable to pursue for the future. He thought they had grounds for this prayer, as regarded the Government, but still more in consequence of Parliamentary proceedings, which had been taken, but which were not alluded to in the petition. A Committee had been appointed in that House, to consider our relations with the aboriginal tribes in and bordering on British settlements. That Committee had presented evidence equalling in bulk the labours of any of its predecessors, and a Report, he believed, of unrivalled length. It contained an elaborate historical disquisition on the conduct of the colonists towards the Kafirs and other tribes, and it pronounced a very heavy censure upon the colonists. Now, considering the difficulty of investigations relating to so distant a country, and the increase of that difficulty where the inquiring body was dependent, to a great extent, upon a casual testimony, not having the means of official and confidential communication with the colony, he thought it a very unfit tribunal, without intimating any suspicion of its fairness, to adjudicate upon matters whereon great excitement prevailed, and character was intimately concerned. The more so in this case, because the Chairman had sent to the Cape for a witness, perhaps more than any other person mixed and embroiled in those excitements; and the Committee had adopted that act of the Chairman, and made it its own. Thus an impression had inevitably gone forth, that the Committee was not impartial, and, assuming the character of an advocate, had become disqualified for executing the functions of a judge. Those were serious grounds of exception by the colonists to the course taken at home, and tended to sustain their prayer, in which, without attempting to evade a full exposure of the facts, they urged that that inquiry should be conducted on the spot, for the very purpose that it might be ample and accurate. For his own part, he believed that it would have been quite practicable to frame, prospectively, a satisfactory system of intercourse with the Kafirs, without dwelling upon the unhappy occurrences of the past; but as a different view had been taken, and as sentence had been pronounced upon them, he thought they had a claim, in fairness, to a local inquiry, and he earnestly recommended their prayer to the favourable consideration of the House.

Sir *G. Grey* said, the prayer of the petition had been first addressed to the Government, but the Government did not think there were sufficient grounds stated for issuing a Commission. A Committee of that House had already fully investigated the very allegations contained in the petition, and the Report of that Committee was before the House, as well as copies of the correspondence between the Colonial-office and the governor of the colony, respecting the despatch which had been alluded to. Under all the circumstances, he could not hold out any hope that the Government would consent to issue a Commission on the subject. The evils were to be attributed, in a great measure, to the bad system of border policy, which had long prevailed in the colony, and to which Lord Glenelg had early turned his attention with a view to its improvement. Measures had already been adopted by his Lordship which he hoped would, before this time, have operated to remove all those causes of dispute which were so much to be regretted; and he felt persuaded, that the introduction of a better system would be the only means effectually to terminate the evils which were so much complained of.

Petition laid upon the table.

COMPENSATION TO THE LATE SPEAKER.] The *Chancellor of the Exchequer*, on moving the Order of the Day for the adjourned debate on the Motion for the appointment of a Select Committee to consider the case of the late Speaker and the Officers of the Houses of Parliament, who suffered by the fire of the former Houses of Parliament, and to report on the same, said that, on a former occasion, he had made that motion, to which he hoped the House would now give its general consent. The Committee he sought to have appointed with a view to ascertain the facts of the case of all those officers who now asked for compensation. He begged again to repeat, that by proposing this Committee, he did not wish to affirm the expediency or necessity of granting the compensation asked for, but merely with a view to be informed of the facts of which he was himself, and of which it was quite clear from what took place last night, hon. Members on both sides of the House were not at present in possession. With a view to that information merely, he had moved for the Committee.

Mr. *Warburton* said, he felt bound to move, as an amendment, that the debate be further adjourned to that day month. It was impossible, that hon. Members at this period of the Session, and on the eve of a general election, could attend properly upon the Committee, whose inquiries would be most extensive. Hon. Members were now either occupied in their own elections, or engaged in assisting the election of their Friends, and it would be impossible to do justice to the subject. An expiring Parliament was not remarkable for its wisdom, and as there was no hurry, inasmuch as no grant could be made this Session, he thought that this matter ought to be left to the decision of the new Parliament.

Mr. *Shaw* supported the motion for the appointment of the Committee. The period of the Session ought not to be considered, for he was sure, as the right hon. Gentleman opposite had stated on a former occasion, that the inquiry would not take more than a day. He thought, that the right hon. Gentleman was in some sort pledged to the course he had taken, and it would be most unreasonable not to follow it up.

Mr. *Hume* put it to the noble Lord opposite (Lord J. Russell), whether the proceeding to this inquiry (even admitting it to be necessary) at this period of the Session, was not at variance with the course he had prescribed ten or twelve days ago, when the noble Lord stated that he would not go on with anything that the public service did not require. He was of opinion, that the country ought not to be called upon to compensate any individual for a loss which he himself might have covered by an insurance; and that principle had been recognised in the Dublin Custom-house Bill, and in the refusal of Government to assist the sufferers from the fire at Leith, with respect to whom the hon. Member for Greenock had a motion on the books; and these very claims had already been before the Treasury, and refused by the Secretary to that department. The matter had been allowed to lie dormant for two years and a-half, and it might well stand over for three months longer.

The *Chancellor of Exchequer* had never heard any statement with more surprise than that made by the hon. Member for Middlesex. The hon. Member was entirely in error, for it was not his hon. Friend the Secretary to the Treasury who had rejected the claim, but he himself. The inquiry could not occupy more than a few hours, as the facts would be found to lie in a very narrow compass. The only question with regard to the insurance was whether it would have been legally payable. He had his own opinion upon that point, but he would not express it on the present occasion. In proposing this Committee he did not think that he was in the slightest degree pledging himself to a money vote. It was his wish to have hon. Members on the Committee of all parties.

Sir *Francis Pollock* had heard with surprise the objections started by the hon. Member for Middlesex to the appointment of this Committee, because the hon. Member had formerly recommended the very course now proposed by the right hon. the Chancellor of the Exchequer. He rested the claim of the late Speaker on the fact, that the fire originated, not in any negligence of his own or of his servants, but on the negligence of the servants of the public, and at a distance from his residence. As to the question of insurance, he contended that the Speaker was not bound to insure against any such risk. If a merchant had insured his vessel against fire, and that vessel had been run down by some other, he might justly go to the party who had done him the injury and demand compensation of him, independent of any insurance he might have effected with the underwriter. He considered that there was a moral obligation on the House to meet this claim, and he should be ashamed if it were delayed for another Session.

Mr. *M. J. O'Connell* wished to ask the Chancellor of the Exchequer whether, if this Committee should report in favour of the claim, a vote of money would be granted this Session?

The *Chancellor of the Exchequer* thought not. It would be an unusual course to adopt at this period of the Session, all the supplies having been voted. Whether it might be made the subject of one of the sessional addresses, he would not take upon himself to say without consulting higher authority.

Mr. *M. J. O'Connell* would put another question on the answer of the right hon. Gentleman. If the money could not or would not be voted this Session, what possible advantage could arise from the appointment of this Committee, or what inconvenience could result from the postponement of the question to the next Session? The appointment of the Committee after the answer of the right hon. Gentleman would tend only to excite unpleasant suspicions. The question for consideration was the amount of loss sustained, and that could not be correctly ascertained without going into the question of insurance. The right hon. Gentleman had asked under what circumstances had this case been brought forward. He knew nothing of it until last evening, when observing a large muster of hon. Members, an unusual thing on a supply-night, he enquired the cause, and was told that it was in expectation that the claim of the late Speaker would be brought under consideration. That was the first time he had heard of it.

Lord *John Russell* thought this was a case for a Committee rather than for a general discussion in the House. As a great many hon. Members on both sides of the House had spoken in favour of the claim, he thought it but right that an examination into the facts should take place. That being the case, few would deny, he presumed that it would be better that such inquiry should be made now than in a future Session. The subject would occupy but little time, there were only a few leading points to be considered. The hon. Member for Kerry had asked whether the grant would be made this Session if the Committee were to Report in favour of the claim, and his right hon. Friend had answered in the negative; indeed, if it were practicable, it would hardly be fair to those hon. Members who had left London to press for the grant immediately, at the same time, it would be most ungracious to Lord Canterbury to shut the door of inquiry into the facts on which the claim was grounded.

Mr. *Aglionby* did not think this was the proper time for the appointment of such a Committee, and therefore, he should oppose the Motion. In his opinion the inquiry, instead of lasting only a few hours, would occupy many days. If the Committee were appointed, would it not be necessary to go into every fact connected with the case? For one, he should not be satisfied with a mere expression of opinion.

Mr. *Jervis* said, if the question was only whether the fire originated in the House of Commons or in the Speaker's House, they might as well grant the money at once, for there was nothing to inquire into. Though they might all be agreed as to the propriety of appointing a Committee, he thought it ought not to be appointed at the present time.

Sir *T. Fremantle* thought it was unreasonable in hon, Members ro resist the appointment of the Committee, after the declaration by the right hon. Gentleman that he would not take advantage of any report that might be made by the Committee this Session.

Mr. *T. H. Duncombe* said, his only objection to the appointment of a Committee was, that it was totally unnecessary. He, for one, was prepared to vote the money. The case had been fully made out, after a sufficient inquiry into all the facts of it, before the Privy Council. Why, then, delay any longer to do that which was only an act of right and justice to a meritorious servant of the public? He believed that any niggardly economy in making compensation for losses sustained by a calamity brought on by the servants of that House would be despised by the public at large.

Mr. *Wallace* said, he had given notice of a Motion to obtain compensation for some parties who had suffered extensively by a fire at Leith, in which a large quantity of sugars was destroyed. The duty had been paid on those sugars, and the drawback had been refused; would the right hon. the Chancellor of the Exchequer refer that case to the Committee along with the claim of the late Speaker.

The House divided on the question:—"That the debate be further adjourned till that day month."—Ayes 23; Noes 68: Majority 45.

List of the Ayes.

Blake, M. J.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Chalmers, P.
Dennistoun, J.
Edwards, J.
Fergus, J.
Gillon, W. D.
Hastie, A.
Hector, C. J.
Hume, J.
Jervis, J.
Lennox, Lord G.
Lushington, C.
Mosley, Sir O.
O'Connell, M. J.
Philips, M.
Rundle, J.
Vigors, N. A.
Whalley, Sir S.
Young, G. F.

TELLERS.

Warburton, H.
Aglionby, H. A.

List of the Noes.

Alsager, Capt.
Alston, R.
Bannerman, A.
Barclay, C.
Baring, T.
Barnard, E. G.
Beckett, rt. hn. Sir J.
Bernal, R.
Borthwick, P.
Bowes, J.
Buller, E.
Chaplin, Col.
Chichester, J. P. B.
Colborne, N. W.
Cole, hn. A. H.
Darlington, Earl of
Dillwyn, L. W.
Duncombe, T.
Egerton, W. T.
Ellice, rt. hon. E.
Estcourt, T.
Etwall, R.
Fazakerley, J. N.
Fector, J. M.
Ferguson, R.
Fergusson, rt.hn.R. C.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Goring, H. D.
Grimston, hon. E. H.
Hogg, J. W.
Howard, P. H.
Hutt, W.
Inglis, Sir R. H.
Lefevre, C. S.
Lefroy, A.
Lowther, hon. Col.
Lowther, Lord
Lowther, J. H.
Lygon, hon. Gen.
Lynch, A. H.
Mackenzie, T.
Mangles, J.
Manners, Lord C. S,
Methuen, P.
Morpeth, Visct.
Murray, rt. hn. J. A.
Nicholl, J.
Ord, W.
Palmerston, Lord
Patten, J. W.
Plumptre, J. P.
Rice, rt. hon. T. S.
Richards, J.
Rushbrook, Col.
Russell, Lord J.
Sanford, E. A.
Shaw, rt. hon. F.
Sheppard, T.
Smith, R. V.
Thompson, P. B.
Vere, Sir C. B.
Wall, C. B.
Wallace, R.
Ward, H. G.
Winnington, H. S.
Wrottesley, Sir J.

TELLERS.

Pollock, Sir F.
Fremantle, Sir T,

Committee appointed.

On the next Motion the House was counted out.

HOUSE OF LORDS,

Thursday, July 6, 1837.

Minutes.] Bills. Read a third time:—Dublin Police; Common Law Courts; Coroners Inquests Expenses; Metropolis Police Officers; Military Commissions; Reference to Acts Mistakes.—Read a second time:—Post-Office Management; Malt Duties regulation; Creditors (Scotland); Administration of Justice (New South Wales); Ecclesiastical Appointments Suspension; Courts in China; Court of Exchequer (Scotland).

Petitions presented. By Earl Stanhope, from various places, to rescind and amend the Poor-law Amendment Act.

Bridlington Harbour Bill.] On the Order of the Day being moved for the third reading of the Bridlington Harbour Bill,

The Marquess of *Londonderry* regretted to be obliged, at so late a period of the Session, and when there was so much public business before the House, to detain their Lordships by offering a few observations against the passing of this Bill. The noble Marquess read extracts from the evidence that had been taken before the Committee, which, he said, distinctly showed that Bridlington Harbour could not be made a harbour of refuge, for it could only be entered at certain periods. That being the case, he hoped their Lordships would reject the Bill. He considered it very unfair, that the owners of coal vessels should be called upon to pay a passing toll, while vessels laden with stone and other materials were to be admitted free.

The Earl of *Harewood* observed, that Bridlington Harbour had been used as a harbour of refuge since the time of James 2nd. It was certainly not a complete harbour of refuge at all times, but it was nevertheless very well adapted for a numerous class of vessels that traversed that coast, and made use of it as a place of refuge in stormy weather.

Lord *Wharncliffe* objected to the principle of the Bill, convinced as he was that the harbour could never be made a harbour of refuge, and would therefore oppose it.

The Earl of *Minto* thought it would be well to allow the Bill to stand over until next Session, when it might be freed from the objections to which it was justly liable in its present form.

Earl *Manvers* would have preferred the Bill had it come from the other House containing a provision for imposing a passing toll on all vessels entering the harbour, instead of coal vessels exclusively. Although he was ready to admit that the harbour was not a good one, he thought it better to have it than none at all.

The Earl of *Durham* opposed the Bill, which was an old acquaintance of his, as by his humble efforts it had failed on its first introduction to the House of Commons. He held in his hand a petition signed by eighty owners and masters of vessels trading between London and the ports of Newcastle, Sunderland, Stockton, and Hartlepool, who repudiated the notion of being able to enter that harbour in safety. Masters of colliers who had the slightest regard for their vessels would not think of attempting it. In fact, a camel passing through the eye of a needle, was but a farce to it. At the entrance, it was but 120 feet wide, which the Bill proposed to increase to 150 feet; it was frequently dry, and at the most advantageous periods contained but fourteen feet of water, while colliers, generally speaking, drew fifteen feet. Conceiving the principles of the measure to be utterly at variance with those which ought to govern the laws of navigation in England, he felt it his duty to oppose it.

Lord *Colchester* being of opinion, that it was a beneficial measure, would give his consent to the third reading. The harbour was, no doubt, incomplete, but it formed an excellent place of security for light colliers under circumstances of peril.

Lord *Colville* thought it to be the duty of such of their Lordships as had served in her Majesty's navy to attend Committees on subjects of this kind. He had done so, and had come from the Committee which had been appointed on this question more impressed with the value of the proposed measure than he had been on entering it. The harbour was but of an indifferent kind, but it was better to have it than be without any at all.

Their Lordships divided: — Contents 45; Not-contents 35: Majority 10.

PRIVATE BUSINESS.] The Earl of Shaftesbury laid on the table of the House the Resolutions adopted by a Committee appointed to consider the mode of conducting the business of their Lordships' House in proceedings having reference to private Bills.

Lord *Brougham* observed, he had already stated his views upon this subject to the House, when he said, that it appeared to him, that the most effectual remedy for the evils complained of would be to transfer elsewhere the powers exercised by Committees of that House in reference to private Bills; on that, however, he must observe, that it could not be expected that their Lordships would part with that power till they had tried every other possible mode of dealing with the question. The next best remedy would be to adopt the plan of joint-Committees of the two Houses, but, whatever might be the final arrangement of proceedings concerning local and private rights of so much importance, the House most probably would, and he should say ought to, do all in its power, by reforming its own orders, to remove all just cause of complaint without having recourse to an Act of Parliament. He concurred in the Resolutions, so far as they went, and hoped that they would lead to great and important changes.

Resolutions agreed to.

RECOVERY OF PRESENTATIONS.] The Marquess of Westmeath moved, that the House go into Committee on the Right of Presentation Recovery (Ireland) Bill.

The *Lord Chancellor* objected to the Bill, that it went to withdraw jurisdiction relative to presentation from courts peculiarly adapted for that purpose, and to bestow it upon the Court of Chancery, which was not suited to the due discharge of such a function.

The Marquess of *Westmeath* said, that it was a great grievance to persons having presentations to livings in Ireland, and becoming parties to writs of *quare impedit*, to have the law as it now was. The best mode of remedy was to have all such matters sent to the Court of Chancery, instead of being left to the Courts of Common Law.

The *Lord Chancellor*, that was the great objection to the Bill. In order to relieve some cases in which he would admit that grievances might exist, it would take the whole jurisdiction in such matters from the Common Law Courts and transfer it to the Court of Chancery, without any one reason being assigned for the change.

Bill to be committed in three months.

The New Poor-law.] Earl *Stanhope* presented a petition from a place in Yorkshire (the name of which did not reach us), praying for a revision of the new law, with the view to correct some of its enactments. He had similar petitions from Bradford and from Throckmorton. In looking over these petitions, he owned he was surprised that the parties who entertained such opinions as they expressed with respect to the Act should not arrive at the conclusion, that it ought to be repealed altogether. In his opinion, nothing could or ought to be satisfactory to the country, but the entire repeal of the Act. There was one point on which he wished to put a question to the noble and learned Lord (Brougham), as to an opinion which he was supposed to have given in the discussion the other evening, respecting the powers exercised by the Commissioners, for he could assure the noble and learned Lord, he should regret that any erroneous notion of what he said should go forth to the country on this subject, carrying with it, as it must do, the great weight of his authority. He would beg to recall the attention of the noble and learned Lord to what was stated on the discussion to which he referred. It was stated, that Dr. Kaye had said, that it was intended to make the workhouses as much disliked as possible. To that, the noble and learned Lord was represented to have said, that he did not believe the words were used by any Commissioner; but that, if he had used them, he was wrong. Now, he (Earl Stanhope) was able to show, if it were thought necessary, that the words had been used by the party to whom they had been attributed. He could not believe (unless the noble and learned Lord himself affirmed it) that he had expressed his approval of all the regulations made by the Commissioners for the government of those workhouses. He could not believe, that the noble and learned Lord would have described what he (Earl Stanhope) should call an imprisonment as a "trifling restraint," or "inconvenience."

Lord *Brougham* said, as far as he recollected the occasion and what was said, it was this—that being asked whether the Commissioners had power to imprison men in the workhouse, he answered, that the Commissioners had no right to imprison in the workhouse or elsewhere,—that no man, whether Commissioner or any other person, had a right to imprison any man any where except by due course of law; and he added, that he did not believe that any thing which the Commissisoners had done could be construed into imprisonment. But it was clear that the commissioners had the power of making certain regulations for the government of the workhouses, and to those regulations the inmates of the workhouses must conform as long as they chose to remain there. There was a great difference between the inmates of a workhouse and of a prison—the difference between voluntary and constrained residence. In the one case the man went voluntarily to reside, and could go away when he pleased; in the other he was taken against his will, and obliged to stay against his will. In the workhouse, when an inmate wished to leave, he was to give a notice of three hours. This could not be considered unreasonable, for he had to change his workhouse clothes for those which he had brought in with him, and to get what little property he might have, little undoubtedly it could be, but such as it was it was important to him, and the getting those things in a large establishment would take some time. If there were no such regulation, a pauper might come in at the dinner hour, and, having dined, might go away, and thus the workhouse, which was intended for a very different object, might be turned into a dining-house. The pauper having quitted the house might come in again; for it was a great misunderstanding of the Bill to say, that when once a pauper went forth by his own desire he was not to be permitted to come back. He might come back on the same three conditions on which he had first gone in. These were, by an order from the Commissioners, or from the guardians, or, in the case of urgent necessity, by the permission of the keeper of the house. A submission to such regulations as these he had termed " trifling restraints," but had never meant to apply those terms to imprisonment.

The *Bishop of Exeter* felt obliged to break through that rule which for the convenience of their Lordships he had made, of not again occupying their attention on this subject in the present Session. He was in a condition to prove, beyond all contradiction, that there were many instances in which paupers had been prevented from leaving the workhouse on the Sundays in order to attend divine service in their own places of worship. When the rules and regulations of the Commissioners should come before their Lordships, it would be seen whether such as these were amongst them. Those rules, however, though the order was made for their production early in June, had not yet been produced, and their Lordships had agreed with him in the motion that the said Returns be made forthwith. He begged to express his entire concurrence in what had fallen from the noble and learned Lord (Brougham) who had stated, that neither Commissioner or any other person had a right to imprison in any workhouse or elsewhere, and that such imprisonment could take place only by due course of law. This was an important authority, coming from one who was the friend of liberty; but he could not concur with the noble and learned Lord in his view of the rules and regulations which had been laid down for the government of the workhouses. The noble and learned Lord had said, that a pauper might go from the workhouse on giving three hours' notice; but suppose he desired to go to Church on a Sunday, he must then give his three hours' notice of leaving; but when he returned what was his chance of being re-admitted? Why, it must be subjected to the three conditions—the consent of the Commissioners, or guardians, or " a case of urgent necessity." But who was to be the judge of that necessity? The keeper of the workhouse; and if he did not think the necessity existed, the man might starve, and his family starve too; for, according to the wording of the rule, if he were an able-bodied pauper he must, on giving the three hours' notice of going, take his family with him. It was said that the pauper could come and go when he liked—that there was no such thing as imprisonment. Now, let their Lordships look at the rule laid down for the conduct of door-keepers in those workhouses. They were directed not to allow any person to pass into or out of the workhouse, except the officers of the house, without the leave of the master or mistress of the house. What was this but in effect saying to the unfortunate individuals whom misery had driven to seek an asylum in any of those houses, that they may be kept immured in them during the pleasure of the master or mistress of the house or the other authorities of the establishment. This was a tyranny which ought not to be submitted to. Was it not a tyranny to the poor to enforce a regulation by which the old and infirm pauper should be prevented from enjoying those common blessings which the God of us all had intended should be enjoyed by all? He begged not to be understood here as speaking of the able-bodied labourers who sought a temporary asylum in the workhouse. He spoke of those who could not work, whom age or infirmity had rendered unable to contribute to their own support. These had claims on the community which the law of God himself had declared sacred and indefeasible. Were parties thus circumstanced — were those who were as dear in the eyes of the God of us all as the most elevated in society—were these to be imprisoned?—were they to be shut up from all intercourse with external society merely because of the already heavy infliction of poverty brought on by age or infirmity? Such a state ought not to be endured, and he had no doubt that when the country came to understand it in its true light, it would not endure it. He did hope, therefore, that the noble and learned Lord, when he reconsidered those regulations which were to be the guidance of the discipline of the workhouses, would not give them his sanction.

Lord *Brougham* observed, that if the right rev. Prelate thought that he would sanction that a pauper able to work should be allowed to go out of the workhouse as liked, after being fed and clothed, and enter into competition as a labourer outside with the labourer who worked hard for his family, and who neither obtained nor sought relief,—if he thought that he (Lord Brougham) would assent to a regulation by which such a pauper should come and go as he pleased, the right rev. Prelate had greatly mistaken him.

The Earl of *Chichester* felt it necessary to say a few words in reply to some remarks which had been made by the right rev. Prelate. From his own experience of the working of the new Poor-law—and it had not been very slight—he could state that where it was most known, and where there had been the greatest experience of its effects, it had been hailed with the greatest satisfaction. It had been complained of as a hardship on the able-bodied man, that he was prevented from going out to seek employment. Now, the fact was not so. At least it was not so in those districts with which he was best acquainted. The able-bodied man was allowed to go out and look for work; and it was a fact, that after being in the workhouse for a time, he found less difficulty in getting work than before, for his misfortune in being driven to the workhouse raised him up friends amongst those to whom he was known, and means of employment were soon found for him out of the workhouse. The same thing could be said of the single women, for whom opportunities of employment in husbandry were procured. As to the refusal of parties to go out on Sundays for divine worship in their parish churches, he could only say that in the unions with which he was acquainted there was a room set apart for divine service, and a chaplain attended on Sundays. On that day all the inmates who were not prevented by conscientious scruples from joining in the worship of the Church of England were obliged to attend; but in cases where the parish church afforded sufficient accommodation, the inmates of the workhouse who were members of the Church of England were allowed to attend under the superintendence of the master of the workhouse, but in many of the parishes, as their lordships well knew, there was not accommodation for such numbers as the workhouse of a union would contain, and therefore a local place of worship would be necessary. Indeed, in all cases where it could be procured, he would prefer a local chapel for the inmates of the workhouse. As to allowing the pauper to go on each Sunday to his own parish church, at whatever distance it might be, he would say that the practice, whenever it took place, had been productive of great irregularity, great mischief, and great immorality. This he thought was fully shown in the mass of evidence which had been laid before their lordships on the subject. With respect to the allowing the old and infirm to have constant egress and ingress, the regulation would in most instances be useless. Many of these were bedridden, and many so old and infirm as not to be able to avail themselves of the indulgence, and some of that class were of such previously known habits and character, that the guardians could not think of extending the indulgence to them. With respect to the able-bodied paupers, they were, it was well known, for the most part, the least useful, and the least respectable of their class. With respect to the industrious and diligent labourers, he could state from his own observation, that their condition had been greatly improved by the operation of this act. This was proved by the fact, that from Sussex, where the act had been in operation, there had been no petitions against it, except from the city of Chichester, where a local poor act was found to be much more stringent than the enactments of the general law. The fact of the general satisfaction given by the act where its operation was best known was further proved by what took place last winter, which was one of unusual severity in the agricultural districts, not alone from the state of the weather, but from the high price of flour and other necessaries. Notwithstanding those difficulties, there was more contentment amongst the poor who had been greatly aided by charitable offices among their neighbours, than had been known for many years. He had felt it necessary to trespass on the indulgence of their Lordships with these remarks, which he thought were called for by the observations of the noble Earl, and he should be always ready, as far as his humble powers would enable him, whenever such petitions as those now before the House, and accompanied with remarks such as those of the noble Earl, to point out, from what had fallen within his own observation, the great advantage which had resulted from the new Act, and the improvement in the condition of the poor in every district in which he had seen it applied.

The Earl of *Radnor* said, the Poor-law Commissioners had been blamed for not having made before the present time a return to their Lordships' order; but the noble Earl and the right rev. Prelate seemed altogether to overlook the vast mass of other business which the Commissioners had to dispose of. They had not less than 2,000 letters a week. That of itself would, one might think, be enough to occupy the attention of a much more numerously-constituted board. It had come within his own knowledge that three clerks had been employed for some weeks in making out the called-for returns; and that as far as they had yet gone, those returns occupied not less than from 500 to 600 pages. If the noble Earl persisted in making a further addition to their labours in this respect, he (the Earl of Radnor) would certainly oppose the motion. In one union workhouse with which he was more particularly acquainted, the master was a gentleman who, in address and appearance, was as respectable as any of their Lordships. He had been educated for the bar, and was in all respects a most fit person for the office he had undertaken of master, and also schoolmaster of the workhouse. As to the treatment of the paupers, he was willing to let the comparison between the new and the old system rest on the testimony of those inmates of the workhouse who had experience of both, and they would all say that they had never before been treated so well. In a word, the new system was found fault with only by those to whom its operation was not known, and who had had no opportunity of witnessing its effects.

Earl *Stanhope* had conversed with a person who had had the honour to serve under the noble and gallant Duke (Wellington) in the Peninsula, and he had informed him that the treatment in a French prison was considerably better than that was which was experienced in the new workhouses, which were the refuge for the destitute, both those who were able and those who were unable to work. And here he begged to say that he dissented from the right Rev. Prelate who had that night spoken, when he said that he felt little compassion for the able-bodied in the workhouse, because they might seek for employment. Now, he did not know whether there had been any design to render these workhouses places of punishment, but the practical effect of the law was to make them so. The noble and learned Lord opposite seemed to consider the imprisonment in these new workhouses as a voluntary penance, but the able-bodied labourer had no choice. If, when he found his situation within the workhouse intolerable, he went out, and could obtain no work in his own district, having no longer a habitation or a place of refuge, he must resort to the workhouse for shelter. With respect to the observations made by the noble Earl opposite (Radnor), that no complaints had been made of the treatment experienced in the workhouses where the new system had come into operation, he could state, that many petitions to that effect had been sent to him last Session from Sussex, which his secession from the House had prevented him from presenting. The noble Earl was perhaps not acquainted with the degrading and disgraceful thraldom in which the agricultural labourers were kept. So long as the labourer resided in the workhouse he was not allowed to leave it; the door was kept locked, and he was therefore as long as he was kept there imprisoned. The noble Earl was very much mistaken in supposing that this new Poor-law had produced great satisfaction in every place where it had been tried. It could not be supposed, that if so much benefit had been derived from it as was imagined, that there would not have been, not exactly petitions to that House, but earnest exhortations on the part of those parishes where the law had not been put into operation, addressed to the three Commissioners, praying that they might be placed under their paternal government. He allowed that petitions expressing satisfaction with the working of the measure had been presented, but they came principally from boards of guardians. There might be some from Rate-payers, but generally the petitions expressing approbation of the measure came from the board of guardians, although he should find no difficulty whatever in establishing the proposition which he had laid down the other evening, that this new Poor-law was principally recommended to its authors by the effect it was expected to have in reducing the rates, and preventing the gradual absorption of the property of the country by the increase of those charges, and although he could support that proposition not only by what was said by the promoters of the measure in their Lordships' House, but also by quotations from speeches of the noble Lord who was at that time Chancellor of the Exchequer, he was rejoiced at being relieved from that necessity, by its being admitted that a saving in the expense of the rates was of the least importance, and that the merits or demerits of the measure were to be judged of by the effect it was likely to have on the labouring population. He was willing to try it by that test; but he must observe that when any of those persons who expressed an opinion that the Act, to use the ordinary phrase, worked well, was asked how it worked well, his answer had always been, "There is a great reduction of rates." No doubt there had been some reduction in the Poor-rates, but it was also true, that if this law had never been enacted a considerable reduction would still have taken place. This had been shown by the reductions which had been actually made under that head in those places where the new Poor-law had never come into operation. It was said the other evening by a noble Marquess (the Marquess of Tavistock) that there had been an enormous saving of rates in Bedfordshire, and that there was no want of employment there. Now, it must have occurred to the noble Marquess if he had taken the pains to reflect, that the reason of this enormous saving was the increase of employment, and if great works had not been undertaken, and other means of employment provided, they would have found it impracticable to carry the law into operation in any part of the country. It appeared to him that the expenses of the establishment in these unions were enormous. He would take the case of the Royston Union, in the county of Cambridge. There the expense of the establishment was returned to be 2,262*l.*, and the whole amount of persons relieved was only sixty-two. He knew a person who resided within that union, who stated that the amount of Poor-rates in the parish in which he lived had been increased 100*l.* by the operation of this law, and what did the same Gentleman say as to the poor there? He declared that the labourers were selling piecemeal their little property to save themselves from going into the workhouse. He would now take from the return eleven unions: Hungerford and Wantage, in Berkshire; Royston, in Cambridgeshire; Bridge, Milton, and River, in Kent, Hendon, in Middlesex; Banbury, in Oxfordshire; Hoxne, in Suffolk; Midhurst and Rye, in Sussex. The total expense of these unions was returned to be 37,321*l.*, and the number of persons relieved 1,615, so that the average expense of in-door relief for those individuals was 23*l.* 2*s.* 3*d.* a-year per head, making a charge of nearly 9*s.* a-week for each person. Thus, then, they actually imposed a greater expense on these parishes than they had to sustain before. Their Lordships need not be told that in Devon, and parts of Cambridge, the wages of the labourer were only 7*s.* a-week, and he might be employed out of the workhouse at that rate instead of costing the parish 9*s.* a-week within it. Even if he were unable to work, he would be happy to keep out of the workhouse for a third of the sum which it cost to keep him in. The total number of persons who had received in-door relief, according to the return, was 18,852, and the average expense for each was 15*l.* 6*s.* 10*d.* per annum, or 5*s.* 10*d.* per week, so that the expense of keeping these individuals in the workhouse was considerably greater than they would cost at home. On the other hand, the average expense incurred for out-door relief was 4*l.* 7*s*, per annum for each individual, amounting to the very magnificent allowance of about 1*s.* 4*d.* per week. It was observable that in the first three quarters of the last year the heads of families only were put down as receiving relief, but taking the average of the last quarter of 1836 the average expense would be for each individual about 1*s.* 3*d.* so that in fact great sums of money were wasted, not for the comfort of the poorer population, but for their punishments. Their Lordships would find that the column in the return made by the Poor-law Commissioners containing the amount of Poor-rates showed a decreased per centage of forty-eight per cent. Now, the expenses under the head of "establishment" clearly did not include the expenses which had been incurred for sending agricultural labourers to Canada or to manufacturing districts. He had much satisfaction in reading an extract from a report on the Blything Union, in Suffolk, made on the 14th January, 1837, because the noble Earl on the cross bench (Stradbroke) would be able to correct him if any misstatements were made. The Report said, "In the spring of the year (1836) 173 men, 106 women, and 245 children, making a total of 524 individuals, were embarked for the British colonies at the charge of their respective parishes, from whom the most gratifying accounts have since been received, and 130 migrated to the manufacturing districts, where they are reaping the fruits of their industry and skill." Now here were 524 individuals exported from the country, which lost, therefore, so many consumers of produce, and so many payers of taxes, and exported at an expense to the country which could not on an average be less than 6*l.* per head. Now, let it be observed that in this Blything Union the reduction in the Poor-rates was stated not to be less than fifty per cent. He felt persuaded that if the expenses of migration and exportation had been added to the Poor-rates, a very different result would have been obtained, and there would have been an increased per centage under that head. He would now read an extract from a letter written by a Gentleman in Suffolk, in whose judgment and veracity he had the fullest reliance, bearing upon the same part of the subject:—"Six of the best labourers in England with their six wives and their forty-five children, are gone to America, from within five miles round me this month, and all declare that they are at heart utterly against going, but that they have been driven to volunteer from the hatred they have to separation and half-starvation within these prison-houses, and the dread and horror they have of almost certain starvation under the practice of the new Poor-law out of these prisons. It may be said, why do farmers and tenantry send away so many of the best labourers, the very heart's blood of the country? I answer, with the following case as an example:—A small agricultural parish met lately, and there was amongst the farmers an opposition to sending a score of persons to America. Five landlords, however, had thirty-three votes, and there were not twenty other votes in the parish, so it was of no use opposing them." [The Duke of *Richmond* inquired the name of the parish?] It was not stated. With respect, however, to the Blything union, their Lordships would observe, that in the spring of last year, no less than 654 persons migrated or emigrated from that union; the total population of the union being 25,000, and there being consolidated in it forty-nine parishes. It was stated in the Report, that the 130 persons who had migrated to the manufacturing districts, were reaping the fruits of their industry and skill. But what was the case with those people at present? The fact was, that from the present deficiency of employment and stagnation of trade, they had been hawked about from place to place, in the hopes of employment being found for them, but they had not returned to their own homes, because that would show the fallacy of the whole scheme, and expose the delusion by which they had been led away. The real truth was, that the agricultural labourer did not go to the manufacturing districts voluntarily, but under the hard pressure of necessity, and utterly ignorant of the nature of the work that would be exacted from him. Even if he were successful in his object, the employment of his children was not a permanent relief to him, because the moment they ceased to be children, their labour ceased to be valuable, and they were returned to their own homes, not, however, as they left them, but crippled and broken down. The noble Earl concluded, by moving for various returns.

The Duke of *Richmond* observed, that his noble Friend had admitted his ignorance of the meaning of the expenses charged under the head "establishment." In every union, each parish was separately charged for the relief of its out-door poor, and the establishment expenses comprehended the payments made to the master of the workhouse, the chaplain, the medical man, the clerk, the relieving officers, and the cost of the building, of the furniture, and the repayment of money borrowed for the building. All these expenses came under the head of "establishment charges," and were defrayed by a quota from each parish. With regard to what the noble Earl had stated, as to a reduction in the poor-rates, he thought that no saving of expense could justify anything like oppression to the poor of this country. He contended, however, that the measure had been of very great benefit to the poor. The noble Earl, on the other hand, maintained that it was a great hardship to force a man who was earning 7*s.* or 8*s.* a-week—not to go and live in Germany—but to allow him to go into a manufacturing district, where he could earn 26*s.* or 27*s.* a-week. The noble Earl spoke about forcing the labourers of Sussex to do this. The noble Earl, however, showed that he knew very little of the labourers of Sussex, if he supposed that they could be forced to do anything. They would not do anything they did not like. They were too independent for that, and he was glad to say, that by the operation of the new Poor-law, they were becoming more and more independent. He had never heard the same complaints made in a higher station. If he had paid the expenses of a gentleman's passage to India, he should have been rather surprised if he had heard the gentleman pitied for being subjected to such a hardship. As to the migration of the labourers not being voluntary, he would cite an instance within his own knowledge, which would show what were the feelings of the labourers of Sussex upon that subject. When the new Poor-law Act first came into operation, an agricultural labourer, of good character, requested the board to allow him to migrate, to see if he could not better his condition. "Why," said the board of guardians, "we do not understand much of this migration system, but you shall go to Manchester for a fortnight at our expense, inquire how things are going on, make your own bargain, and tell us what you think of it." The man went, stayed the fortnight out, and on his return went to the board of guardians and said, "Gentlemen, I have one favour to ask of you, and that is, to allow me to go to Manchester immediately. But I have another favour to ask of you; I have a brother in the parish, and I hope you will allow him to go with me, together with his family." As to the increase of emigration, the noble Earl was mistaken. Emigration went on before the new Poor-law came into operation; but so far from being on the increase, it was rather on the decline. Again, the habits of the labourer were becoming more careful and saving. He now carried part of his earnings to a saving-bank. Formerly, they were afraid to do this, lest the overseer should find it out, and they should lose their share of the head-money which was then paid to every man who had three children.

The Earl of *Stradbroke* said, that those persons who had been sent from Suffolk to Canada had every one of them expressed in the strongest terms their obligations to the Board of Guardians for so kindly contributing to their comfort and happiness; and, short as had been their stay there when the accounts were despatched, they had made considerable profits. With regard to those labourers who had migrated under the rules and regulations of the Commissioners to the manufacturing districts, the engagements which they made were for three years, and their master was obliged to find them employment, and to pay them their wages during that time. They were, therefore, still employed by their master, according to the terms of their engagement with him. The noble Earl had stated, that the poor were made uncomfortable in the new workhouses. He had himself made personal inquiries of them, whether they were as comfortable as they had been under the old system, or not, in the Blything union, and he had been assured by the paupers that they were infinitely more comfortable and happy in every respect than they had been under Gilbert's Act. He had felt a great interest in the measure, and had taken some pains to make himself master of its principles and details, and he felt bound to state, with respect to Suffolk, that in every district of that part of England the success of the measure had not only been most complete, but had given the greatest satisfaction to the upper and middle classes. He could also state, that without exception, wherever the new law had had a fair trial the labouring classes were fully impressed with the excellence of the measure.

Lord *Ellenborough* said, that the returns which were desired could not be made, unless the Commissioners were sent again into the different unions. When sent, they would have to look into the quarterly accounts of the unions, which were 600 in number. They would, therefore, have to examine 2,400 accounts. They could only do so by great labour, and he doubted whether the result would be at all commensurate in value.

Earl *Stanhope* could see no difficulty in making the returns; he would, however, with their Lordship's permission, withdraw his motion.

HOUSE OF COMMONS,

Thursday, July 6, 1837

Minutes.] Bills. Read a third time:—Secular Jurisdiction (York and Ely); East India Postage; Exchequer Bills; and Assessed Taxes exemption.—Read a first time:—Loan Fund Act Amendment (Ireland).

Petitions presented. By Mr. T. D'Eyncourt, from Lambeth, complaining of the conduct of the House of Lords.—By Mr. W. Gladstone, from Ross, complaining of the conduct of certain parties at the late Election, and praying that the proper officer may be instructed to prosecute.—By Lord W. Bentinck, from Glasgow, for a Ten Hours Factory Bill.

Treaties for the Abolition of Slavery.] The Order of the Day having been moved for the House to resolve itself into a Committee of the whole House on the Slave Treaties Bill,

Sir *R. Inglis* said, he felt he should not perform his duty were he not to take that opportunity of calling the attention of the House to the state of the slave trade in some countries with which we had entered into treaties. He alluded in the first place, and more particularly, to Brazil, and in regard to the state of the slave trade in that country, he had received information on authority so unexceptionable, that he thought he should not abuse the time of the House by laying a statement of the facts before it. On the 5th of July last year, the noble Lord, the Secretary of State for the Foreign Department, stated in his place in that House, that he thought England would have just ground of complaint against Portugal for non-fulfilment of treaties, if there were no rational prospect of obtaining from that country ampler means for putting an end to the slave trade carried on under her flag, "because Great Britain had paid to Portugal a very large sum, on a distinct understanding, that the slave trade should be terminated in all parts of her dominions." It might be objected, that this had no reference to Brazil; but he held, that Portugal was bound, not only to abolish the slave trade in her own dominions, but to lend her aid to England in putting an end to the traffic in slaves everywhere. By the convention of 1815 it was declared unlawful for Portugal to continue the trade in slaves, except so far as regarded the supply of slaves to some portions of her transatlantic possessions, and by that convention a period was thereafter to be fixed at which the trade in slaves should altogether cease. But notwithstanding the agreements into which Portugal then entered, the slave trade was still carried on to a considerable extent under the Portuguese flag; and that, too, under such circumstances, that it was not attempted to be said, that the traffic was continued for the purpose of supplying the transatlantic possessions of Portugal with slaves. In the first instance, as a justification of himself for occupying, even for a short space of time, the attention of the House at this period of the Session, he (Sir R. Inglis) would read the particulars of sundry vessels which under the Portuguese flag arrived in ballast at Rio Janeiro in the month of December, 1836, after having landed cargoes of slaves on other parts of the coast of the Brazils. He had a list of the names of those vessels, and his wish was to call upon the noble Lord opposite (Lord Palmerston) to state, as far as the noble Lord could, consistently with the public service, what course it was his intention to recommend to her Majesty to pursue in the matter. In the list before him of vessels which had entered Rio Janeiro, in December 1836, he found that one vessel had embarked 400 slaves, seventy-five of whom died on the passage, and the remaining 325 were landed at St. Sebastian; another vessel had landed 284 slaves within a few leagues from Rio Janeiro; and another, the Minerva, landed 370 slaves. There were several others with which he would not trouble the House. One only he would mention, viz.—a brig from Mozambique, it appeared, had embarked 800 slaves, and of these 300 died on the passage. Now, he would ask the House whether, if this statement were borne out by facts, it did not justify this country in taking such measures as would compel the powers which were parties to the slave treaties to fulfil the engagements contracted by them. It was right, perhaps, that he should state, that although this trade was carried on under the Portuguese flag, the real owners of the vessels engaged in it were Brazilian subjects, or residents there subject to the Brazilian laws, and who were therefore amenable to the provisions of the existing conventions as to the slave trade in the Brazils. Whether, therefore, the House looked to the capital employed, or to the flag which covered it, it would be seen that Portugal and Brazil alike violated their obligations to England. The next return to which he should allude was a return of the same character as that from which he had already read extracts, and it was the particulars of the vessels engaged in the slave trade under the Portuguese flag which arrived at Rio Janeiro in the month of January, 1837. Of this he should only read one part, which stated, that a brig embarked 855 slaves, that of those 283 died or were thrown overboard alive during the voyage. [Captain *Pechell*: The name of the vessel?] The name was the Leao, from Quilinane. She had embarked 855 slaves.

The small-pox having appeared, thirty were thrown overboard alive, and the measles having carried off 253 more, she landed the remaining 572 slaves upon the Brazilian coast. He conceived that these two facts alone were sufficient to show the extent of cruelty inflicted, and sufferings endured, under the flag of a nation which had solemnly declared, that the slave trade should no longer be carried on in that quarter, and by the means of the subjects of a power which had as solemnly entered into a similar compact with this country that the slave trade should not be carried on any where by her people. The hon. and gallant Officer opposite, who had inquired the name of the vessel to which he had last adverted, must know, if not from his own professional friends, at all events from documents which were already before Parliament, that the great difficulty in the way of preventing the traffic arose from the clause in the convention of 1815, by which the flag of Portugal was permitted to cover the slave trade, in so far as the supply of the transatlantic possessions of Portugal were concerned. As long as that exception continued, it would be impossible for the noble Lord opposite, even by the exercise of all the powers with which he was invested, to prevent that trade being carried on in other quarters also. He trusted, therefore, that the noble Lord would be enabled to state, that her Majesty's Government had been, and still were engaged, in endeavouring to induce the Crown of Portugal, and the Crown of the Brazils to concur with him in the total abolition of the trade, even for the supply of their own transatlantic possessions. He (Sir R. Inglis) had also a document, in the accuracy of which he placed the most implicit reliance, before him, which stated, that no less than 103 vessels had cleared out from the port of Rio de Janeiro alone from the coast of Africa in the year 1836. Now those 103 vessels were capable of bringing back at least 50,000 slaves. If the noble Lord opposite, or any hon. Member, doubted the accuracy of these details, he held in his hand a document which proved almost to a legal certainty the nature of the traffic in which these vessels were engaged. That document was a return of the nature and character of the goods exported from Rio Janeiro to the coast of Africa in the course of the last year, and from that one port alone it appeared there had been exported 5,819 packages of gunpowder, 530 cases of guns, 2,176 pipes of rum, 130 pipes of wine, seventy-five boxes of wine, 3,192 barrels of gin, with several thousand empty casks. Now could any man doubt that the first of these articles were designed as articles of barter by which the slaves were to be purchased, and that the last (the empty casks) were intended to convey sufficient water for the outward voyage. Unfortunately the state of public opinion on this subject in the Brazils differed from the state of public opinion in this country, and in fact he learned, with deep regret, that petitions had been addressed to the Brazilian Chambers by the people, praying for the repeal of the Act of 1821—an Act passed for the prevention of the slave trade, except for the supply of the colonies, and even in the present year the budget had been brought forward without any vote for the support of the usual force formerly maintained by the Brazils for the prevention of slave traffic. This showed, that the Brazilian authorities at least colluded with those engaged in the trade. He must also state, that goods to the amount in value of 500,000*l.* were annually exported from Rio alone, destined for the coast of Africa, and that the amount of the lawful returns on those exports was little more than one-tenth of that amount, leaving the balance to be used as the means of bartering for human beings. This trade was carried on, too, upon British capital, because the goods exported to Africa from Rio were bought at a credit of six months from British merchants resident in the Brazils. By the effects of this traffic alone the depreciation in the exchanges between Rio and London had been nearly twenty per cent. in the last year. He had also received information, that in Pernambuco a joint-stock company had been formed for the purpose of carrying on this trade, and he had also been furnished with the names of officers in the Brazilian navy who were actually now engaged in the slave trade. All these documents and returns had been communicated to him from the Brazils, and he had tested them by *viva voce* information. He had reason to think that similar communications had been made to the noble Lord; and his own motive in bringing the subject before the House was chiefly to elicit from the noble Lord a declaration of the course, which, the facts being admitted, he intended to pursue upon it. For himself, he must say, that, apart from all considerations of the crime itself, of its demoralizing effects upon America, of its prejudicial effects upon commerce — apart on the one hand, from all sordid considerations of pounds, shillings, and pence; apart, on the other hand, from the higher considerations of religion and humanity, upon which he should himself desire to rest the case, he thought that the honour of the nation, and the faith of treaties, combined to furnish a sufficient justification to him for the course which he was taking, even at this late period of the Session, in bringing the question before the House. He would say nothing which should give a political character to the discussion; but he hoped that he might without offence observe, that the interest which her Majesty's Government took in the affairs of the Peninsula, entitled them to interfere with great influence in this matter. He, therefore, indulged the hope that the noble Lord opposite would feel himself called upon now to state to the House and to the country, that the treaty between this country and Portugal with reference to the slave trade, which, from the clause of exception, was at present almost worse than useless, should be made really sufficient for its professed purpose, by declaring that such trade was piracy; and that the convention with Brazil, which purported to abolish the traffic, but which, under all the circumstances stated by him, was at present a dead letter, should be carried into full and complete force and effect.

Viscount *Palmerston* assured the hon. Baronet that he only did justice to him and to every Member of her Majesty's Government in believing that they fully shared those sentiments of indignation which he had expressed at the extent to which the traffic in slaves still continued under the flag of Portugal; and he could further assure the hon. Baronet that he only did them justice in believing that no effort had been spared on the part of the British Government to induce the government of Portugal to accede to stipulations which should put it not in their power, but in the power of Great Britain, to prevent the continuance of this disgraceful trade. The hon. Baronet must be aware that the British Government had been in negotiation with the government of Portugal for two or three years for the purpose of inducing the latter to agree to a new treaty, which should arm the British Government with the same powers of search, seizure, and condemnation, with which it had been armed by the government of Spain under the late treaty which had been concluded with that country. Such a treaty was very nearly concluded with the Portuguese government in the month of September last, but the circumstances which then took place in Portugal, and the unsettled state of the government of that country from that period to the present had interrupted the negotiation, and prevented its being brought to a conclusion. It was, however, only due to the Portuguese government to state, that they had, in the course of the present year, done that which no preceding government of Portugal could be brought to do; although they had not concluded a treaty with Great Britain upon the subject, they had, nevertheless, passed a law of their own, abolishing the slave trade, and making it highly penal in their dominions. But the hon. Baronet had stated only what was perfectly true when he said, that even supposing the governments of Portugal and Brazil to be as sincere as Great Britain was in a desire to suppress the trade, so far from being supported by public opinion in either of those two countries or by the obedience of the local authorities, on whom the execution of the law must chiefly depend, they were, on every occasion, thwarted and opposed by great private interests, and also by the indisposition of their own authorities to carry into execution the laws and stipulations which they might make. He was not, however, without hopes that her Majesty's Government would obtain from the Portuguese government such stipulations as would enable Great Britain to put down the slave trade under the Portuguese flag in the same way as it was prevented under the Spanish flag. He used the word "Portuguese flag," because, as the hon. Baronet opposite had correctly stated, the great amount of crime perpetrated under the Portuguese flag was not committed for the benefit of Portugal herself or of Portuguese individuals, but for the benefit of Spanish and Brazilian slave traders, and of the slave traders of other countries, who were permitted by the local authorities in the Portuguese colonies to prostitute the Portuguese flag and use it as a cover for their infamous trade. He admitted that nothing could exceed the horrors of that traffic. He would state one fact which had come to his knowledge. A ship had been taken coming out of Sierra Leone under the Portuguese flag, and they found on board from 300 to 400 negroes stowed between two decks, the interval between which was not more than two feet and a half. The House would judge what must have been the sufferings of those persons, confined in so small a space in so hot a climate. With regard to the stipulations with Portugal, he had claimed the power to seize and condemn all their ships south of the line trading in slaves: he had claimed the consent of the Portuguese government to the seizure by English men-of-war of all ships found fitted up for the slave trade; which were to be liable to condemnation, though no slaves should be found on board (a stipulation which had been agreed to by Spain): he also wanted its consent to a stipulation that ships seized and condemned should not be sold as now, and then again brought into the slave trade, but should be broken up and sold as old timber. With regard to the Brazils, these two last stipulations were wanting in the treaty which at present existed; but the Brazilian government, two years ago, by articles agreed to them. However, as the power to ratify these articles was not vested in the government but in the Chambers, the latter were not favourable to the proposition, and in consequence the government had not been able to obtain a ratification of those articles. He was happy to say that her Majesty's Government continued to receive the acquiescence of several foreign powers in their endeavours to put an end to the slave trade in all parts of the world. They had obtained the accession of the government of the Hanse Towns and the government of Tuscany, they were at present in negotiation for the same purpose with Naples, and he was in great hopes of shortly obtaining a treaty, with the same views, with Mexico. He could assure the hon. Baronet he felt thankful to him for affording him (Lord Palmerston) an opportunity of stating thus much upon this important and interesting subject, and of showing him that the Government were anxious to carry out those views which did him honour, and in which every person in this country concurred. He was in sanguine expectation of being in possession before the meeting of the new Parliament of several other treaties of accession.

Mr. *Goring* wished to know whether any steam-vessels had been sent by the Government to the coast of Africa, for the suppression of the slave trade? He was satisfied that all efforts on the part of the Government would be vain, unless aided by other powers, and he hoped that any ship taken in the trade would not only be broken up, but that the persons employed in them would be hanged at the yard-arm.

Colonel *Thompson* said, he happened to be a living governor of Sierra Leone, rather a rare species he believed on earth, and therefore could not well avoid confirming the opinion of the hon. Member who last sat down, that steam-boats at the mouths of the rivers would be the effectual instrument for putting down the slave trade on the coast of Africa. He had likewise no objection to the other instrument which had been recommended by the same hon. Member, the yard-arm, whenever arrangements could be made for administering it by due course of law; for he was convinced that on treating the slave-trade as piracy by European nations, depended the chance of ultimate suppression. It was seventeen years since he had had the honour of negotiating, under the orders of Sir William Keir Grant in the Persian Gulf, the first treaty or public act in which the slave-trade was written down by its proper name of piracy. This act took place in January, 1820, and had been public law in the countries concerned ever since. An act to the same effect was issued by America in the same year; but he had had the honour of comparing dates with Mr. Rush, the American minister, and Mr. Rush told him the American act took place in May; so that the British was actually the prior, though, from the difference in the modes of communication, the American act was known in England first. It might be acceptable to many that heard him to be made acquainted with these facts. But the use he wanted to make of them now was, to give additional stimulus to the Government to go on, and above all things not to expose themselves to the charge of stopping the small flies in their net, and letting the great ones through.

Mr. *Hume* wished to press upon Government the necessity of adopting the employment of steam-vessels on the coast of Africa, for the purpose of preventing the carrying on the slave trade. He thought if an inquiry was instituted on the subject of the slave trade now carried on in different parts, there would be found to be a more revolting mass of evidence brought forward than that produced in the time of Mr. Wilberforce. The fact was, that the course pursued by this country had driven the slave-trade into those parts where the greatest inhumanity was exercised.

Mr. *Charles Wood* would state that a steamer had been employed on the coast of Africa, but had not answered the expectations that had been formed; the fact was, that the difficulty arose, not from the want of cruisers on the coast of Africa, but from the want of power to seize vessels unless slaves were on board. Whatever had not been done with respect to the prevention of the carrying on of the slave trade, arose not from a want of prudence on the part of the Government, but from the want of treaties with other powers, which should give to the British cruisers a more extensive power of search and seizure.

Dr. *Bowring* said, that not one word had passed in the progress of the debate which any friend of the abolition of the slave trade could listen to without interest and gratification. It was indeed a subject of congratulation that one great question of humanity at least had reached that safe position in which all parties from all sides of the House were lending a willing aid for its future progress. It was a proud thing to England to witness this unanimity. He wished it to spread to another great nation. The conduct of the United States in this matter was distressing to her best friends. Would it be believed that under her republican auspices the slave trade was introduced into the province of Texas, from which it had been excluded by the Mexican authorities she had transplanted. Not only did she make no difficulty in admitting to her union new states in which slavery had long existed, but by her instrumentality slavery was forced into countries where it had been wholly extirpated. He hoped that the feelings of England would be communicated officially as far as it could be done with propriety, to the American government: at all events those feelings would not fail to reach the American people.

The Bill went through Committee.

Naval Officers.] Captain *Dundas* moved that an Address be presented to her Majesty, that previous to the estimates of 1838-9 means should be taken to ascertain the number of effective and non-effective officers of her Majesty's navy, with a view of forming a retired list to benefit old and meritorious officers who served during the war. The hon. and gallant Member was understood to express a hope that the Government would without delay see the necessity of infusing new energy into our naval service, which would be effected by removing those from the naval list who were not effective, and by the promotion of young officers.

Sir *E. Codrington* seconded the motion, he would take that opportunity of calling the attention of the House to the condition of the officers of the navy, as compared with that of the members of other departments of the public service. If a full admiral retired after forty or fifty years' service, he could not obtain more than 700*l.* a-year for half-pay and allowance. Now, for not nearly the same length of service, a general officer would get more than double this income. The condition of the naval officers was different from that of almost any class of men in her Majesty's service. Look at the situation of a flag officer. When he went out to command on a foreign station he was in reality in the situation of an ambassador, yet he was not allowed table money, and on his retirement from office he was in a much worse condition. The widow of a full admiral was entitled to a pension of not more than 120*l.* a-year; but seldom or never obtained it. The fund, however, from which the widows of other naval officers received their allowances was formed from a deduction made from the pay of each officer; but over the distribution of this the officers had no control, for it was totally under the management of the Admiralty. He would refer the House to the case of Sir Manley Dixon, as an illustration of the unjust mode exercised by the Admiralty in the distribution of widows' pensions. That gallant officer left a widow, and two daughters by a former marriage. The two latter ladies, in consequence of their not being able to obtain any allowance from the Admiralty, were obliged to apply to the navy charitable fund, which allowed them 25*l.* a-year to save them from starving. He knew another officer who had died and left a widow with eight children to support on 60*l.* a-year, and on her making application for employment for two of her sons, the Admiralty appointed them to situations, but subtracted in lieu of it 36*l.* from her pension. After these cases he would put it to the House whether they would not allow a small increase of the widows' fund so that an additional allowance might be made to the widows and children of officers who had long served their country? Again, the widow of a commissary-general was allowed 120*l.* a-year, which was the same amount as was given to the widow of the most distinguished admiral, and the latter would not obtain her pension unless she took an oath that she had not an income of 200*l.* a-year. To show how the navy was managed, he would direct the attention of the House to the condition of Greenwich Hospital, and ask why should three civilians have the management in that establishment? He could mention another instance of injustice in the ordnance, in which a deserving naval officer was forced out of his situation to make way for a civilian. Again, he would ask, was it proper that the Duke of Wellington should be placed at the head of the department at Dover for the examination of persons wishing to become channel pilots, and having to determine on the merits of pilots and pilotage? This undoubtedly was an office which required, to fill it properly, the judgment of a person acquainted with maritime affairs. Strange also to say, the noble Duke had Lord Carrington for his deputy in this office. He was prepared to admit that the noble Duke was the most distinguished general in Europe, but it did not therefore follow that he was the best judge of maritime affairs. When the pension-list came to be revised, he hoped the House would direct its attention to such a meritorious class of men as the half-pay officers of the navy, and more especially the lieutenants. He did not believe that any class of men were so ill-used by the country as the naval officers. By the arrangement of the pension-list at the Admiralty, a young man with interest would be entitled to a pension after ten years' service, while one without it would be under the necessity of serving double that time. He did not ask the House to believe a single word that he stated—all that he required was, that the House would look at the documents and see whether his statements were not borne out by them. He would quote the case of Captain ——, who had to serve upwards of thirty-four years before he was promoted, while a person who had interest got promoted before he had served half that time. Assistant-surgeons in the army had more pay after ten years' service than assistant-surgeons in the navy had after twenty years' service. He thought the board of Admiralty ought to come forward and state boldly what was due to the navy. He, for his own part, would not be satisfied without the strictest investigation upon the subject. If he had the honour of a seat in that House in the next session, he should certainly bring the subject again under the attention of the House, as hitherto he had been always jockeyed out of doing so. The navy had been always put in the back ground, and his doctrine to them would be, "agitate, agitate, agitate." With reference to the motion of his hon. and gallant Friend he gave it his most cordial support.

Mr. *Charles Wood* said, with respect to the motion of the hon. and gallant Member for Devizes, he certainly did expect when that motion was made, the hon. and gallant Member would have stated some plan to the House. He thought, however, that the officers of the navy would rather forfeit their chance of promotion than undergo that examination which had been proposed. Such a plan would be any thing but agreeable and popular among the higher officers. He was ready to admit there were a great many officers on the list who were not equal to the active discharge of their duties, and if any scheme could be laid before the Admiralty, they would give it their favourable consideration. The country was suffering, and the navy was suffering, in consequence of having had a very large force during a long-continued war. The only means of supplying employment to such a large body of men as the naval officers on the half-pay list would be by a war, but as there was now peace, they must submit with patience like persons in other professions which were overstocked. On these grounds he thought it was perfectly unnecessary to bring forward such a motion. With respect to the statements of the hon. and gallant Member for Devonport, they were merely a repetition of the arguments brought forward by him previously. To these statements he had on former occasions given an answer, which it was unnecessary for him now to repeat. With respect to the allowances made to the widows of officers, he would only observe that it was always a matter of regret to the department to which he belonged to refuse claims of this kind; but it should be recollected that the Admiralty had only a limited fund to deal with, and was necessarily obliged to select those whose cases appeared the most pressing. It was a mistake to suppose that no admiral's widow with more than 200*l.* a-year was entitled to a pension. The Admiralty, in all cases of the kind, exercised a discretion. The fund for the children of naval officers was only 14,000*l.* a-year, whereas it would be easy to distribute 60,000*l.* amongst most deserving objects. With respect to the three civil officers connected with the management of Greenwich Hospital, they were persons who had the management and control of the estates belonging to the hospital. He denied that there was any ground of complaint as to the 300 lieutenants that had been promoted to the rank of commander without additional pay. The proceeding was in direct conformity with the order in council.

The House divided:—Ayes 21; Noes 19: Majority 2.

List of the AYES.

Bannerman, A.
Barnard, E. G.
Berkeley, hon. F.
Elley, Sir J.
Estcourt, T.
Fector, J. M.
Goring, H. D.
Gresley, Sir R.
Hume, J.
Lennox, Lord G.
Mangles, J.
Maxwell, J.
Pechell, Captain
Richards, R.
Robinson, G. R.
Sheppard, T.
Vere, Sir C. B.
Vigors, N. A.
Vivian, J. E.
Wallace, R.
Young, G. F.

TELLERS.
Dundas, Captain
Codrington, Sir E.

List of the NOES.

Baring, F. T.
Bridgeman, H.
Brotherton, J.
Buller, E.
Dillwynn, L. W.
Ebrington, Viscount
Ellice, rt. hon. E.
Fergusson, rt. hon. R.
Hector, C. J.
Hindley C.
Howard, P. H.
Jervis, J.
Melgund, Viscount
Murray, rt. hon. J. A.
Paget, F.
Palmerston, Viscount
Pusey, P.
Russell, Lord J.
Wall, C. B.

TELLERS.
Adam, Sir C.
Wood, C.

Mr. *Hume* rose for the purpose of bringing forward his motion respecting Upper Canada, when the House was counted out.

HOUSE OF LORDS,

Friday, July 7, 1837.

MINUTES.] Bills. Read a second time:—Civil Bill Courts (Ireland); Treasurers of Counties (Ireland); Bills of Exchange.

FINAL REGISTER OF ELECTORS BILL.] The Earl of *Radnor* moved the second reading of the Final Register of Electors Bill. The chief object of the Bill was to preserve the right of voting to voters who should happen to change their residence between one registration and another. Now he thought it exceedingly hard that a party under such circumstances should be deprived of the elective franchise. The Bill also provided that votes, which were undisputed before the revising barrister, should not be brought in question before an Election Committee. This he thought a useful arrangement, and fully in accordance with the arrangements provided by the Reform Bill for the registration of voters.

Lord *Redesdale* must object to a measure, the principle of which was to give persons a vote who had no qualification, merely because he had happened to have had one at a former time; and, even though he felt no hostility to the principle of the Bill, he should object to its passing on the eve of a general election. He moved as an amendment that the Bill be read a second time that day three months.

The House divided on the original motion: Contents 34; Not-contents 67: Majority 33.

Bill put off for three months.

SUCCESSION TO THE CROWN.] The Lord Chancellor moved the third reading of the Bill to provide for the Government of the country on the demise of the Crown.

Lord *Brougham* had, he said, some objections to make to this Bill. Although, he said, the monarchical form of Government might be chargeable with many defects, and from necessity it must be charged with them, yet there were some advantages of a paramount nature connected with it, and which must render it preferable to others. There was, in his opinion, no one advantage connected with monarchy, and especially with a limited monarchy, such as it was happily in this country, greater than this—the certainty of the succession to the Throne. Everything, then, that touched the certainty of the succession was of the utmost possible importance. In considering the proper manner for supplying the royal authority, it was considered to be indispensable that they should recognise the next in succession to the Throne who was of full age and of perfect capacity. In 1705, if there had been a person so situated in this country, there could be no doubt he would have been recognised in the Act then passed for providing for the Government of the country in the absence of the descendants of the electress, Sophia. It happened, however, at that time, that there was no such person to be found in this country; but in 1751 and 1761, when a person was empowered to act as *custos regni,* there was fixed upon to be in the council of regency the person next in succession; such person was inserted in the Bills passed upon both occasions. Their Lordships were aware that there was a vast difference between lords justices nominated by the King, and lords justices such as were created by the present Bill. They were only the same in name. In the one case the lords justices were the lieutenants of the King; they acted under his control, and by his instructions, while in this case there was an absolute investment of the royal authority in those persons, subject to the restrictions contained in this Bill. His Majesty, the King of Hanover, could not, until he made the proper declaration, have all the functions of royalty in this country. Until he did that he could only have the powers conferred upon him by the present Bill. The circumstances, however, upon which they were legislating were such as were not likely to happen, and he hoped to God! might not happen—a prayer and a hope in which he was sure he was joined by their Lordships and all her Majesty's subjects. What they were providing for was a remote possibility, but one still which might happen; and if, instead of eight or ten days, his Majesty was to be absent for months from this country, supposing him to be prevented by illness, a case much more likely to occur—certainly not so improbable as his surviving their present Sovereign—supposing him to be absent for three months (for in this case they were going upon possibilities), then they ought to adhere to strict constitutional principles, and they ought not to do anything which was inconsistent with, or repugnant to, those principles—that which he believed they were doing in this Bill, by not including amongst the lords justices the next in succession to the Throne, of full age, and resident in this country. His proposition was not by name to include the Duke of Sussex in the present Bill as the next in succession; his object was not to single out any individual by name, but to take the description of that person as being one of full age, resident in the country, and next in succession to the Throne. It was true that if the son of the King of Hanover, the Crown Prince, were in this country, and that he was of full age, then he would be the person. If neither he nor the Duke of Sussex were here, then the person to whom the description would apply would be the Duke of Cambridge. What he objected to was the omission of the name of any such person. He had another objection to urge—it was the insertion of the Lord Chief Justice of the King's Bench as one of the lords justices. He was sure he should not be considered guilty of disrespect in thus arguing upon a matter which, after all, was only one of a bare possibility. As he meant no disrespect to that Sovereign, he was sure his motives could not be misinterpreted, nor that he could be thought guilty of any disrespect to the Chief Justice of the King's Bench, when he objected to the insertion of his name amongst those of the lords justices. He objected to his being vested with high political functions, when at the same time he exercised the highest civil and criminal jurisdiction. It was well known by his noble and learned Friend that the latter was exercised by him with honour to himself, with advantage to the country, and with the greatest credit to the law. But such a junction of offices ought not to be allowed by Parliament to be made in the person of any individual. He had rather see these offices combined in the hands of his noble and learned Friend than in those of any other individual: but he thought it was contrary to the true principles of the constitution to invest a person who exercised such high civil and criminal powers also with the functions of a political regent. What were the consequences of precedents? From one precedent came another;—if it were bad, from the bad came something worse. Thus they found the Act of 1705 was taken as a precedent for that which was done in 1806. What was the main authority upon which was grounded the act of the Government of 1806?—an act upon which he, as an individual, ventured to express his opinion—for they were only the opinions of a private individual—but which were still strongly in opposition to what was then done—that was, placing an eminent judge, the Lord Chief Justice Ellenborough, in the Cabinet formed in 1806. He always thought that a most unfortunate Act on the part of the Administration of the day, and one such as he was sure no one now would be found to advocate. And yet in that case the putting a Lord Chief Justice in the Cabinet was justified by a precedent—that precedent being chiefly the Act of 1705. He considered that the argument which would exclude a Chief Justice of the King's Bench from the Cabinet ought also to exclude him from the regency. The noble Lord concluded by moving that the next in succession to the Throne, of full age and resident in the country, should be included amongst the lords justices, and also that the Chief Justice of the King's Bench should be excluded from being one of the lords justices.

The Duke of *Wellington* considered that there was a clear distinction between the Bill of 1705 and the measures referred to for appointing regencies in this country. These regencies were to provide for a certain event, and were brought into the House under the immediate authority of the Crown, and which it was the duty of the Crown itself to provide for. But now the case was quite different. Here the case to be considered was that of the succession of the next heir, who happened to be absent from this country, and most probably would continue to be absent. They were, then, to look to what Parliament had done formerly, and what they had provided for in that event. Persons were nominated to the regency who possessed all the confidence of Parliament and the public—men of high office—the great officers of State—the Archbishop of Canterbury, and others, known to the country, and known to possess its confidence; and means were also provided for the person who succeeded to the Throne to nominate the persons who possessed his confidence to be also in the regency. But the noble and learned Lord said that they ought to put into the regency the names of certain other persons of a certain description, because their names were introduced into other regencies appointed for another purpose, and in a different manner. Now, provision was made for the Sovereign having such persons in the regency if he thought it right that they should belong to the regency; and if he did not, why should Parliament place such persons in the regency? He, therefore, recommended their Lordships not to adopt the amendment of the noble and learned Lord. With respect to the appointment of the Chief Justice of the King's Bench, he agreed with the noble and learned Lord that it was highly improper to introduce a Chief Justice into the Cabinet; but in forming a council of regency, where there were six other great officers, with seven or ten others to be named in the absence of the Sovereign, the exercise of his functions could not be attended with any injury to the public. It was to be observed, that in Ireland the Chief Justice had frequently been named one of the lords justices. At this moment the Chief Justice of the Queen's Bench was one of the lords justices, in the absence of the Lord-lieutenant. He did not know but the noble and learned Lord himself had been a party to such appointments of the Chief Justices in that country. He did not see any distinction between a Chief Justice in Ireland being one of the lords justices, and a Chief Justice in England being one of the council of regency in this country.

The *Lord Chancellor* considered that cases of precedent ought to be attended to in matters of this description. Regencies had been appointed on account of the incapacity of the Sovereign, or to provide for the exercise of the royal authority in the absence of the Sovereign. The Bill provided, as far as possible, to put the Government of the country and the Sovereign in the same situation in which they would be if the Sovereign were here at the moment of the demise of the Crown and were about to leave the country. The Bill put it in the power of the Sovereign by anticipation, before the crown descended to him, to specify those individuals in whom he placed confidence, and in whom he wished to vest authority till he could return to this country to exercise it himself. It might happen that the heir presumptive would not exercise the power of selection which the Bill gave him; and that emergency the Bill also provided for, by appointing certain persons who were holding high offices in the State at the moment to exercise the authority of the Crown. Those individuals would either exercise the authority in conjunction with those who had been named by the Sovereign, or, in default of any others having been named, by themselves. The Bill selected the head of the Church, and it selected the highest permanent officer of the law, persons who might be supposed to be above the contests of party; and those individuals were named, not for the purpose of permanently exercising the power of royalty, but to preserve things in a proper state till the successor to the Throne should himself appear to assume the authority which belonged to him. The precedents were for the most part regent precedents; they were cases which provided for the incapacity of the Crown. The only precedent in which provision was made during absence was the Act of Queen Anne, on which this measure was founded. He must say taking all the circumstances into consideration, he was in favour of the Bill as it stood. The other precedents alluded to by his noble and learned Friend would be applicable if this case were one of regency; but he must say he could see a very great distinction between Parliament appointing a regency on account of the incapacity of the Sovereign to exercise all his prerogatives, and appointing a regency because of the Sovereign's absence at the time of his succession, and his not being able for that reason to exercise his prerogatives. In his opinion such a Bill as the present ought to leave to the sovereign the full exercise of his authority, and should only interfere to the extent necessary to preserve his authority for him unimpaired till he appeared to assume it. With respect to the other point alluded to by his noble Friend, so far as he strongly objected to the union of political duties with those of the highest permanent law officer of the Crown, he entirely concurred with him; but he thought the provision they were now making not liable to that objection: the two officers appointed by the Act of Queen Anne, viz. the Archbishop of Canterbury and the Lord Chief Justice of the Court of King's Bench, were selected because they were individuals not likely to be influenced by party feelings, and also, in all probability, would possess the confidence of the country.

Lord *Denman* thought he might be excused if he said a few words with respect to both the objections urged by his noble Friend. As regarded the first, he could not help thinking it desirable that royal personages should not form a part of the council. He thought it possible to conceive that if they did there might arise a collision of interests which would be more properly guarded against by taking a course which would simply insure that the royal authority, as it existed at the demise of the Crown, should be handed over by the lords justices to the successor. That being the sole object of this Bill, it appeared to him better that all persons near the Crown should be excluded from the assumption of any of its powers. The considerations suggesting such a view of the question were obvious. He was of opinion, that it was desirable they should abide by the precedent they had, where it was a clear one, though all the circumstances of the case were not exactly similar. With regard to the observations his noble and learned Friend had made respecting himself he was not disposed to say to him. "Et tu Brute," though he had expressed it as his opinion that the Chief Justice of the King's Bench ought to be excluded; but he thought he might almost be justified in supposing that his Noble and learned Friend had been induced by his personal regard for him to raise this point, in order that he might have the opportunity of speaking of him in those terms of undeserved eulogy which their Lordships had just heard. However that might be, he was quite sure that no proposition which emanated from his noble and Learned Friend could be prompted by anything like an unkind feeling towards him. In whatever manner he as an individual, might be affected by the opinion, he should consider it his duty to say that he thought there were considerable objections to departing on the present occasion from the precedent formerly set, and which, by-the-way, was framed in the best times of the English constitution, and by some of the most eminent of the men of those times—he believed the act was drawn by his revered predecessor, Lord Holt.

Lord *Wynford* opposed the amendment, and recommended their Lordships to abide by the precedents which had been referred to.

Lord *Ellenborough*, as some reference had been made to his noble Father, begged to be allowed to repeat a remark which he remembered to have fallen from him in connection with this subject. He remembered to have heard him say, when it was first proposed to him that he should have a seat in the cabinet, that he recollected Lord Mansfield had been in the Cabinet for a considerable period, and he was not aware of any objection having been urged against it. He accepted the office without much further consideration, with the understanding that his doing so would very much facilitate the formation of the Government. He said, subsequently, "he thought that those who defended the appointment had the best of the argument;" but he also said, that "if it were to do again he would not do it."

Amendment negatived, Bill read a third time and passed.

Protest.] Lord Brougham entered on the Journals, the following protest against the rejection of the motion for placing the Duke of Sussex among the Lords Justices, and leaving out the Lord Chief Justice of the Queen's Bench.

"*Dissentient,*

"First, Because the greatest recommendation of the Monarchial form of Government is the certainty which it affords of undisputed succession, and, therefore, every thing is most carefully to be avoided which tends, however remotely, to break in upon this governing principle of the regal part of the constitution. When provision was making by Parliament for supplying the defect in the royal authority occasioned by the absence from the realm of the King of Hanover, or other next branch of the Royal Family, on the demise of the Crown, the right of succession in the Duke of Sussex, or other next branch not absent from the realm, ought to have been recognised by naming that branch among the Lords Justices. This could not be done in 1707 (6 Ann, c. 7), because all the other branches of the Royal Family were then settled abroad, and most of them excluded from the succession. But in 1751, (24 Geo. 2d, c. 24, and 1765, 5 Geo. 3rd, c. 27) the sound principle was acted upon, and the Princes next in succession were placed in the Council of Regency then formed by the Legislature. The appointment of Lords Justices by the Sovereign, in contemplation of his temporary absence, has no bearing upon the question, both because that is an arrangement of an entirely different nature, and because it is not effected by the authority of Parliament.

"Secondly, Because the appointment of the Lord Chief Justice of England, the first criminal judge of the realm, to be a political functionary of the highest order, exercising the powers of sovereignty, is contrary to every principle of sound policy. It is likewise repugnant to the whole spirit of our judicial system, though sanctioned by precedents in times when the pure administration of justice was far less an object of care than it happily has at this day become; precedents which are in truth the relics of a much more remote and even a barbarous age. It is the more to be lamented that Parliament should now be called upon to sanction such a proceeding, because in 1806, in defending the more reprehensible measure of placing the Lord Chief Justice in the Cabinet, reliance was placed upon the acts of 1707, 1751, and 1765, as affording legislative authority for uniting in the same person the incompatible functions of Minister of State, and criminal judge. Nor can it now be contended that we are bound by those precedents, for they have in the present measure been departed from in other important particulars; and, if they had, not a departure should at any rate have been made in this particular, since the example of 1806 has shown the evil consequences of Parliamentary sanction being given to so exceptionable an appointment. Brougham."

HOUSE OF COMMONS,

Friday, July 7, 1837.

Minutes.] Bills. Read a third time:—Central Criminal Court; Bank of Ireland; Church Notices; Corporate Property (Ireland).—Read a first time:—Small Debts (Scotland).

Duty on Fire Insurance.] Colonel *Sibthorp* expressed his regret that on his at length bringing forward a motion of vast importance he should be compelled to do so in so thin a House. The duty now paid on fire insurances was a tax of 200 per cent. upon the rate at which insurances were effected; that its excessive pressure operated as a tax upon common prudence and forethought. It was a fact well known that more than two-fifths of the amount of property in England was insured, not more than one-half in Ireland, and not more than one-third in Scotland. If a reduction were made in the rate of duty of 100 per cent., that was to say from 3*s.* to 1*s.* 6*d.* per cent., he was confident it would lead to an increase of the revenue. The total amount of duty now collected was 802,701*l.* At present there were innumerable instances in which insurances were effected in foreign offices. He knew of one case where a single house insured 100,000*l.* annually in a French company. The Chancellor of the Exchequer to be sure was in this position, that he was worse off than if he had nothing in his treasury; but let him declare his intention to do something in this matter. The hon. Member concluded by moving "That it is the opinion of this House that the duty now chargeable on all insurances against fire, at the rate of 3*s.* per cent. on each policy, shall cease; and shall henceforward be at the rate of 1*s.* 6*d.* in lieu thereof, on all such policies, being a reduction of one-half of the former amount."

Mr. Hume seconded the motion.

The *Chancellor of the Exchequer* contended that the very admission of the hon. and gallant Officer that the exchequer was in a worse position than if there was nothing in it was the best answer that could be given to the motion. There was a deficiency in the last quarter, as compared with the other, of 865,000*l.* How could a revenue then of 400,000*l.* be given up? If there had been a surplus instead of a deficit in the quarter's revenue, the case would have been widely different. At the same time he must declare as he stated on a former day, that in the circumstance of the present deficit, as compared with the corresponding quarter, he saw nothing to create the least alarm with respect to the stability of the finances of the country.

Dr. *Bowring* concurred with the hon. and gallant Member for Lincoln (Colonel Sibthorp) in the propriety of reducing the duty on insurances.

Motion negatived.

CANADA.] Mr. *Hume* seeing the state of the House did not intend to press the motion of which he had given notice for an Address to her Majesty, that she would be pleased to disagree to an Act of the Legislature of Upper Canada, 7 Wm. 4th., c. 17, entitled, "An act to prevent the dissolution of the Parliament of this province, in the event of a demise of the Crown." But, at the same time, he was anxious to put a question to the noble Lord (Lord John Russell) upon the subject. Was the noble Lord aware that by the act of the provincial Legislature to which his motion referred—an act carried only by a majority of eight—the sitting of the provincial Parliament would be continued for four years after the demise of the Crown, instead of the ordinary constitutional period of six months? On the part of the Canadians he begged to protest against the whole of the conduct pursued by Sir Francis Head with respect to that Bill. In the first place he complained that Sir Francis Head, having by corrupt means got a Parliament to his liking, induced them to pass an act to continue their sitting for four years; and in the next place he complained that Sir Francis Head had exercised an unconstitutional power in giving the assent of the Crown to a Bill which went to deprive the Canadians of that part of their constitution which gave them an election within six months from the demise of the Crown. The conduct of the governor upon that point was, in fact, illegal, because, as the noble Lord must be well aware, every measure passed by the provincial legislature effecting a change in the constitution of the province required to have the royal assent signified to it, not through the medium of the governor acting for the Crown, but directly from the Crown itself. Therefore, on behalf of the Canadian people, who were highly dissatisfied with the measure, he asked the noble Lord to disagree from it, and to allow the people to have another election within the constitutional period.

Lord *John Russell* said, that the hon. Member was not justified in calling the act of the provincial legislature an illegal act, inasmuch as that it was distinctly within the power of the Houses of Assembly, acting upon former precedents, to determine that the provincial parliament should not cease, notwithstanding the demise of the Crown. The hon. Member was mistaken in supposing that the act of Anne, which applied to this country, and which required a new election within six months after the demise of the Crown, applied also to the colonies. The provinces of Lower Canada and of Nova Scotia had on former occasions agreed to resolutions, and framed and passed acts founded upon those resolutions, declaring that the Parliament should not be dissolved in case of the demise of the Crown; and he (Lord John Russell) confessed that he could see nothing improper or illegal in these acts. Whatever the necessity at home might be, he could not conceive it requisite with respect to those distant provinces that there should be a fresh election immediately on the demise of the Crown. But the hon. Gentleman had raised another question, namely, that Sir Francis Head had exercised an unusual power in sanctioning this act, instead of reserving it for the consent of the Crown. There was no positive law to prevent the governor of the province from signifying the royal assent to an act of this kind; but at the same time he must admit that there was a general instruction, according to which the governor should reserve a measure of this description for the direct consent of the Crown. Sir Francis Head would have acted more wisely if he had guided himself by that general instruction, and had not given the assent of the Crown in his capacity as governor. It was a point, however, merely of discretion—there was nothing unconstitutional or illegal in the course that had been pursued. He was bound also to state that if the act had been reserved for the direct assent of her Majesty, her Majesty's Ministers would undoubtedly have advised that the regal assent should be given to it. As to the general allegation against Sir Francis Head, of having employed corrupt means to obtain a corrupt and subservient Parliament, he would only observe that inquiry proved that allegation to be perfectly groundless. Sir Francis Head had not been guilty of any one of the corrupt practices of which he had been accused; on the contrary, it distinctly appeared that his conduct had been such as to give general satisfaction.

Motion negatived.

HOUSE OF LORDS,

Monday, July 10, 1837.

MINUTES.] Bills. Read a third time:—Attorneys and Solicitors; Sheriffs Fees; Post-Office Management; Malt Duties Regulation; Creditors (Scotland); Administration of Justice (New South Wales); Dundee Police (No. 2); Theatres Regulation; Court of Exchequer (Scotland).—Read a second time:—Coroners Durham; Secular Jurisdiction (York and Ely); Letters Patent; Punishment of Death; Read a first time:—Consolidated Fund; Militia Pay; Militia Ballot Suspension; Exchequer Bills (Public Works); Slave Treaties; Tithe Advances (Ireland); Bankrupts (Ireland).

THE NEW POOR-LAW.] The Duke of *Richmond* said, that seeing his noble Friend (Earl Fitzwilliam) in his place, he wished to ask him if he could furnish the House with any information as to the unions lately formed under the Poor-law Commissioners in that part of the North of England with which his noble Friend was most immediately connected.

Earl *Fitzwilliam* was extremely glad his noble Friend had afforded him an opportunity of stating, as he had been most anxious to do, what from his own knowledge he knew the reception of the Poor-law Act had met with in that part of Yorkshire with which he was connected. If he had not been misinformed, it had been stated in the House by a noble Friend of his, who exercised a high office in the county of York, that the people of that county were exceedingly averse to the introduction amongst them of the New Poor-law, and if he had not misunderstood the manner in which his noble Friend made that statement, it would seem that the people in that part of the country were almost unanimous in disapproving of the measure. Now, if he (Earl Fitzwilliam) could draw any sure inference from what he had himself observed in the county of York, he was satisfied that any disposition to oppose the introduction of the Poor-law Act into that county would not be calculated to forward the views of any Gentleman who might be a candidate for its representation. He (Earl Fitzwilliam) had been engaged in the formation of one union under the auspices of the Poor-law Commissioners, and on this day week he had attended the first meeting of the board of guardians, and he could state, not only with respect to the board of guardians, but also with respect to the population of the town in which it was to be fixed, that not the slightest symptom of dissatisfaction had been expressed. The town in question, their Lordships would remember, was a manufacturing town, and one portion of the population was composed of agriculturists, and another portion of the inhabitants was engaged in mining and manufacturing employments. Not only was there no disposition manifested by the people of that town against the introduction of the new law, but also no board of guardians could exhibit greater alacrity in carrying that law into effect than had been shown by the board of guardians to which he referred, and he was perfectly satisfied that though the delusion which had been attempted to be excited in the country might not be entirely extinct, yet it was about to subside, and he was certain that in a very short time, and in the most populous districts, the more the measure was understood the more it would be acquiesced in; and that even in those parts where some persons from mistaken views of philanthropy, and others whose views he would not attempt to describe, had endeavoured to excite these delusions, it would fail, and would come to the conclusion—the true conclusion—that the main basis upon which the Poor-law Amendment Act rested was the transference of authority from persons legally, but not morally or practically, responsible to those representative bodies in which the administration of the law was now vested. He had thought it his bounden duty, persuaded as he was that on the maintenance of that law mainly depended the prosperity of the country, so far as regarded the state and condition of the labouring classes, thus to bear his testimony to the complete success of the new law in that populous district of the country with which he was most immediately connected.

Subject dropped.

REFORM OF PARLIAMENT (IRELAND) ACT.] Viscount *Duncannon* moved the second reading of the Reform of Parliament (Ireland) Act Amendment Bill.

Lord *Redesdale* could not help admiring the cool manner in which the noble Viscount had moved the second reading of this Bill. In his (Lord Redesdale's) opinion, it was one of the most monstrous Bills that had ever been presented to either House of Parliament. It was ordered to be printed seven days after the Queen's message was communicated to the House, and it was determined that no important business should be proceeded with in the present Session. It was a Bill to affect the manner of polling at elections in Ireland; and it was brought forward on the eve of a general election. It bore the title of the Reform in Parliament Bill; but it ought to be denominated the Dublin and Cork Election Bill. It was a decided and disgraceful job, and he therefore called upon the House to stop its further progress. Its real object was to disfranchise a number of voters in Dublin and Cork; and it was a mere electioneering manœuvre on the eve of a general election. He trusted that their Lordships would not allow such a Bill to pass. And by whom had it been introduced into the other House? By the hon. Member for the city of Cork! It was a monstrous thing that a Member for a city should come down to Parliament on the eve of a general election, to propose a measure, the effect of which would be to disfranchise the very persons whose interests he was sent to Parliament to protect. And by whom was that hon. Gentleman assisted? Most strangely, by the Attorney-General for Ireland; so there was the spectacle of the highest law officer of the Crown in the sister country lending his aid to one of the most disgraceful jobs which had ever been heard of. Nothing could be more deserving of reprobation than this attempt at tampering with the rights of voters on the very eve of an election. It gave a power to the majority of the day, in the House of Commons, at the close of one Parliament, to secure a majority for the next Parliament. There was no tyrant so dreadful as a tyrant majority. [*Cheers.*] He understood that cheer, but he must observe that it appeared that the only use of a majority in one House was to watch the jobs in the other and to correct them. On constitutional grounds, and for the sake of the liberties of the people, he trusted that this Bill had gone as far as their Lordships would permit it to go, and that it would now meet with its proper fate—rejection.

Viscount *Duncannon* observed, that the noble Lord did not seem to be aware that early in the evening a message had been brought from the House of Commons stating that the second and third clauses of the Bill had been left in it by mistake, and requesting that their Lordships would strike them out.

The Marquess of *Lansdowne* thought that, under the circumstances of the case, the words "tyrant majority," used by the noble Lord, might well have been spared. The Bill was simply a measure to enable the returning officers in large towns in Ireland to increase the number of polling places; and was not at all liable to the imputations cast upon it by the noble Lord. If the noble Lord would inquire into the subject, he would find many cases in which bills had been sent to that from the other House of Parliament, with clauses which the other House afterwards requested might be withdrawn. Their Lordships had only to do with Bills as they came before them; and the present Bill must be considered with the clauses objected to by the noble Lord struck out. So considered, the Bill certainly did not justify the strong expressions applied to it by the noble Lord.

The Duke of *Wellington* was of the opinion which had been expressed by his noble Friend, that the introduction of a measure like the present, after her Majesty's message, and after her Majesty's Ministers had declared that they would not introduce any new measures, was extremely reprehensible. He thought his noble Friend was perfectly justified in characterising the Bill as he had done; and, under all the circumstances of the case, he could not help joining with his noble Friend in the hope that their Lordships would not read the Bill a second time.

The Earl of *Wicklow* was surprised that, if the present Bill were considered necessary, her Majesty's Government had not thought it necessary to introduce a similar Bill with reference to Carlow. In that case, a number of voters who had been struck off by a Committee of the House of Commons, had been reinstated by the assistant barrister. As to the first clause of the Bill under their Lordships' consideration, he allowed that some measure remedying the inefficiency of the existing polling places might be expedient. But he agreed with his noble Friend, that a more inopportune moment for the introduction of a Bill like the present could not by possibility have been selected. It threw suspicion on the whole proceeding. In a few days, a dissolution might take place; and as it was impossible that, before that period, the contents of the Bill could be generally promulgated, he thought that more confusion would be created by passing the Bill than by rejecting it. He should, therefore, vote against the second reading of the Bill.

The *Lord Chancellor* said, that if he understood the object of the Bill, it was simply to provide the means for enabling persons who had a right to vote at elections in Ireland to exercise that right. Those who opposed the Bill, therefore, wished to prevent persons who had the right to vote at elections in Ireland from exercising that right. Of the Bill, in its original form, their Lordships could know nothing. They knew it only as it came from the House of Commons, qualified by the message which had been sent by that House, intimating that two clauses of the Bill had been left in it by mistake, and requesting that their Lordships would strike them out. It was in that shape, and in that shape alone, that their Lordships should look at the Bill.

Lord *Wharncliffe* confessed, that he looked at the Bill with suspicion; the more so, recollecting the proceedings the other night in a Bill for altering the Reform Act, which was supported by no one, except the noble Lord who moved the second reading. It was said, that great inconvenience resulted from the existing state of the law. If so, it was the duty of the Attorney-General for Ireland to have brought in a Bill to remedy the evil at an early period of the Session.

Lord *Dacre* supported the Bill, which, in the form in which alone it could be considered by their Lordships, was solely a Bill to enable the returning officers in Ireland to provide a sufficient number of polling booths; thereby preventing the rejection of the surplus of 600 electors, the number which alone could be admitted to vote at one booth. The single object of the Bill was to find means for those who had the elective franchise to exercise it. How could that be called a job? It was true, that a general election was at hand. But what suspicion could that excite, seeing that the only object of the Bill was to provide for those who possessed the elective franchise, and the means of exercising it?

Lord *Brougham* observed, with respect to the remark of the noble Lord opposite, relating to the silence of noble Lords on the motion the other evening for the second reading of a Bill respecting Parliamentary Reform, that it was too much for that noble Lord to infer that that silence of those noble Lords who took no share in the debate, were therefore unfavourable to the Bill in question. The clauses which the House of Commons had desired to be expunged having been expunged, he had no objection to the present measure. It had been stated, that it was introduced after her Majesty's message, and after the understanding that no new measure of any importance should be brought in, in the present Session. But really the present Bill was as much a matter of course as it was possible for any measure to be. There existed a difficulty in taking votes at the polling booths, a difficulty which amounted to the actual disfranchisement of those who were entitled to vote, and the object of this Bill was to remedy the evil. Now, instead of the approach of a general election being an objection to such a measure, it was a recommendation of it. A noble Lord had talked of the evils of " a tyrant majority." If, by a majority so reasonable a measure as this were rejected, the epithet " tyrant," would be justly applicable to it.

The Duke of *Richmond* said, if he understood the Bill properly, it had nothing to do with the franchise. The fact was, if their Lordships refused to agree to the Bill, they would be telling the people of Ireland to fight to get up to the poll. He regretted that any opposition should be made to the Bill, and he was the more surprised at it, because it was the unanimous opinion of that House, that one great good produced by the Reform Bill was the increase of the number of polling places. That was the object of the present Bill, and he, therefore, hoped his noble Friend would withdraw his opposition to it.

The House divided on the second reading:—Contents 36; Not-Contents 74: Majority 38.

Bill thrown out.

HOUSE OF COMMONS,

Monday, July 10, 1837.

MINUTES.] Bills. Read a third time:—Consolidation Fund (Appropriation); Militia Ballot Suspension; Exchequer Bills (Public Works); Slave Trade Treaties; Tithe Advances (Ireland); Bankrupts (Ireland); Militia Pay Bill.—Read a first time:—Lords Justices.

Petitions presented. By Dr. BOWRING, from Kilmarnock, against the Slave Trade; By Mr. FIELDEN, from Operatives of Oldham, for a repeal of the Poor-law Amendment Bill.—By Mr. WAKLEY, from Operatives of Mansfield and Manchester, for a total repeal of the Poor-law Amendment Bill.—By Mr. GILLON, from Airdrie, for some alteration in the mode of apprenticing Slaves in the West Indies.—By Sir W. FOLLETT, from 800 Bachelors of Arts of the University of Cambridge, not to encourage any plan to injure that Establishment; and two in favour of the better Observance of the Lord's Day.—By Mr. W. PATTEN, from Lancaster, against the Poor-law Amendment Act.—By Mr. ROBINSON, from Creditors of certain South American States, for redress.

SLAVERY.] Mr. *Fowell Buxton* took the opportunity of asking the right hon. Baronet the President of the Board of Control, whether it was the intention of the government of India to put an end to slavery in that country?

Sir *John Hobhouse* could only repeat what he had stated in reply to a similar question in the last Session of Parliament, that the Government of India were taking such steps to ameliorate the condition of slavery as, at no distant period, should lead to its total extinction. The hon. Member must be aware that the domestic slavery of the East was very different from that of the slavery of the negroes in the West Indies; but he might rest assured that neither the Home authorities nor the Local Governments would for a moment lose sight of an object which every Englishman desired to see attained—the total extinction of slavery in every part of the British dominions.

Mr. *Fowell Buxton* admitted, that the domestic slaver of the East might at the present momen be of a very mild character; but he felt perfectly satisfied if sugar should be grown to any extent in the East that the system of slavery would soon become as disgraceful as it had ever been in the West.

Sir *John Hobhouse* assured the hon. Gentleman that, supposing sugar to be cultivated on a more extensive scale in India than it had hitherto been, the Government at home, as well as in the East, would take ample care that no such state of slavery should arise as had existed in the West Indies.

Mr. *Fowell Buxton* was much obliged to the right hon. Baronet for that assurance. He begged, however, to put another question connected with the same subject. He had received communications from the Mauritius, by which he was informed that a vast number of the natives of Bengal had of late been imported into that island as well as into some of the West India islands, to assist in the cultivation of sugar. He wished to know how these importations took place, and whether the natives so imported were in any degree regarded as slaves?

Sir *John Hobhouse* thought, that the hon. Member must himself be well aware that the exportation of these persons from Bengal took place entirely with their own consent, and that they were landed in the different settlements to which they sailed in the character of free labourers. They were no more regarded as slaves than the House of Commons itself. The Governor-general of India, in consequence of the increased exportation of these free labourers, had thought right to make certain regulations for their transport, by which their convenience and comfort were insured. Only a certain number were allowed to embark in any ship, and that under regulations which secured their comfort on the passage. Care was also taken, in case they should not like the country to which they were removed, that every facility should be given them to return.

Sir *George Grey*, as far as the colonies were concerned, begged to assure the hon. Gentleman that wherever these natives of the East were imported every precaution was taken to preserve them in a state of complete and perfect freedom.

THE CHURCH OF SCOTLAND.] Mr. *Bannerman* said, that he was prevented by the immediate termination of the Session, from calling the attention of the House to the memorial from the Moderator of the General Assembly to the first Lord of the Treasury on the subject of Church accommodation in Scotland, agreeably to the notice which he had previously given. He should therefore merely say that if he had had the opportunity of bringing his motion forward, he should have endeavoured to have proved that the course pursued by several of the Scotch clergy as well as others, so far as the Church of Scotland was concerned, had been most unwise; and, so far as his Majesty's Ministers were concerned, had been most unjust and ungenerous. So far as being unconnected with the Church of Scotland he was circumstanced similarly to the hon. Baronet the Member for Bute, who had lately called the attention of the House to this subject; but he begged to assure the House that he was as anxious as that hon. Baronet to see the Church of Scotland upheld. He should, however, have objected to his late Majesty's Government deciding upon any partial question relating to that Church. He should have opposed their taking any steps with reference to Glasgow, or Aberdeen, or Edinburgh until the subject had been thoroughly investigated. In the meantime, this Church extension question, as he had anticipated, was now made a handle of for electioneering purposes in Scotland. He should be sorry to occupy the attention of the House with anything in which he was personally concerned, but he could not refrain from adverting to a document that had lately emanated from an electioneering Committee, in which allusion was made to the Church Commission in Scotland, and in which it was stated, that it was impossible for the friends of that Church to overlook the petition for the overthrow of the Establishment in that country, which had been presented by Mr. Bannerman, without one word of objection on the part of that gentleman. This document set forth that the petition in question came from persons who cared not for reason, truth, or consistency, and who, disregarding the councils of the wise and good, sought the overthrow of religion, treated its injunctions with scorn, and held up its ordinances to derision. Such were the terms in which these parties, for election purposes, thought proper to speak of the petition which he (Mr. Bannerman) had presented to the House. Now, he begged to say that he never did present any petition for the overthrow of the Establishment, and yet he was described by these persons as one who was totally void of religion, of consistency, or of truth. This manifesto was put forth at a time when the parties well knew that he was five hundred miles distant. But they very soon should know that he had remained in London for the purpose of moving for certain returns to enable the Government to facilitate the settlement of this Church question. The hon. Gentleman moved for a return of the number of churches erected in Scotland by voluntary contributions recognised by the General Assembly, and whose ministers were appointed by the Kirk. Also a return of the number of seats in every such church, specifying the mode in which they were appropriated; likewise a return of the stipends paid to the ministers of every such Church, and the sources whence those stipends were derived; together with the sums annually collected for the support and education of the poor in every such place of worship.

Motion agreed to.

Abduction of an Elector.] Mr. *William Gladstone* rose, in pursuance of notice, to call the attention of the House to the petition of certain electors for the combined counties of Ross and Cromarty, which he had the honour to present a few evenings ago. The petitioners set forth, that at the last election for the combined counties of Ross and Cromarty, which was contested between Thomas Mackenzie, of Applecross, Esq., and William Mackenzie, of Muirton, Esq., one John Gibson, farmer, was an elector; that on the day preceding the election, a messenger came to inform him that Captain Hugh Clark wished him to come immediately to the house of Mr. Watson, of Cromarty, as the captain was desirous of paying him a sum of money which was due to him. Gibson crossed the ferry that evening, and at the house of Watson met Clark, and two other persons named Reid and Smith, the latter being a surgeon of Cromarty. The parties supped together, and afterwards had a jug of toddy; but before drinking any of it, Gibson asked Clark to settle with him; but Clark said he could not do so then, but would the following day. Gibson drank about three glasses, when he became insensible, in consequence, as it was presumed, of some drug having been mixed with his drink. Between one and two o'clock on Friday morning, a boat's crew came to Watson's house, and with the assistance of Watson, Clark, and others, took Gibson, who was all the time in a state of insensibility, across the Nairn. A chaise was then hired by Watson and others, and into which Gibson was forcibly placed and carried towards Grantown.

In the morning Gibson awoke, and found himself in the chaise with Watson, and on observing that he was in a strange part of the country, and asking where he was, Watson replied, "God knows! I was asleep as well as yourself; it is now Saturday morning." And on Gibson expressing his surprise, Watson said, "It was easy for Dr. Smith to make you and me sleep for eight days." Gibson then forced himself out of the chaise, but was soon retaken and put into the chaise again, and was then taken to an inn at Ardclach, about eleven miles from Nairn. They represented Gibson to be out of his mind, who certainly appeared stupid and foolish, and asked the landlady what day of the week it was. Watson and Gibson proceeded to breakfast, and afterwards Gibson laid his head down on a table and pretended to be asleep, and heard Watson go out of the room and call for the driver of the chaise. The driver having come in, Watson and he went to the corner of the room, and Watson pulled a letter from his pocket, and said to the driver, 'This is a letter which I have from my friend Muirton,' (meaning William Mackenzie, of Muirton), and desiring me to try to get Gibson out of the way, as he is 'the cock' of the Tories. Watson further added, 'You will watch the door below, and I will lock the door here, and put the key in my pocket.' Watson then undressed himself and went to bed, and, having fallen asleep, Gibson took the opportunity of forcing the lock of the door with a knife, and went down stairs. Gibson met the driver in the passage, and desired him to put the horses to, and he would walk on before him. Watson afterwards got up and looked after Gibson, and informed the landlady that Gibson was a most respectable man, and that it was not for his vote they cared, but for those of three others. Gibson walked about a mile on the road to Calder, when he was overtaken by the driver without the chaise, who insisted on his return to Mrs. Falconer, the landlady. Gibson returned, got into the chaise, and was drawn to Calder with Watson. On inquiring on the road, Gibson discovered it was then only Friday, although he had previously been informed that it was Saturday. They arrived at Calder about six in the evening, and about an hour afterwards were overtaken by John Strachan, messenger, in Tain, and a person of the name of Mackay, who arrived there in a chaise, and took Gibson back with them to Cromarty the same night, notwithstanding the opposition of Watson, who insisted that Gibson should proceed with him. Gibson was thereby enabled to give his vote the next morning for Thomas Mackenzie, of Applecross. On his return to Cromarty, he discovered that his coat had been torn, his hat destroyed, and his face much cut and swollen; his shirt was covered with blood, and he was in a very weak state from the usage he had received." He thought that these facts amounted to a forcible abduction of Gibson, and called for the attention of the House. He was aware, that under ordinary circumstances, the proper course would have been to move, that the parties be committed to the custody of the Sergeant-at-arms; but at the present moment, this course was wholly inappropriate. He had, therefore, determined to move, that a humble Address be presented to her Majesty, praying her Majesty to give directions that there be laid before the House copies of the depositions and declarations taken by the officers of the Crown concerning the forcible taking away of John Gibson, from Cromarty to the parish of Ardclach, in Scotland, on the 13th of April last. The hon. Member then concluded by making a motion to the effect he had just stated.

The *Lord Advocate* said, that the circumstances of this case had already been investigated by the officers of the Crown; and it was considered that no further proceedings were necessary to be taken. Very serious imputations were thrown by the petitioners on individuals who had no opportunity to defend themselves. It was a question deserving the serious consideration of the House, whether petitions were to be made the means of attacking the characters of individuals by the insertion of imputations which it was admitted formed no essential part of the proceedings on which the petitioners founded their complaint. If the person had been subjected to the injurious treatment set forth in the petition, it was competent for him to prosecute the parties inflicting the injury, but the present complaint was on the part of certain electors of the county of Ross. What injury was it that had been done to them? Had they lost the vote of Mr. Gibson? Not so; because it was admitted in the petition that Mr. Gibson voted on the second day of the election. The electors of Ross, therefore, had no ground of complaint. With respect to the motion before the House, he begged to state to the hon. Gentleman that the uniform practice on the part of his (the Lord Advocate's) predecessors had been to consider it to be inconsistent with the proper course of criminal procedure that any communication of the result of a private inquiry on the part of the Crown, should be made to other parties. As far as regarded the fact, that no further proceedings had been taken on the part of the Crown in this case, he was quite ready to hold himself responsible for that course.

Motion withdrawn.

HOUSE OF LORDS,

Tuesday, July 11, 1837.

MINUTES.] Bills. Read a third time:—Rolls Estate; Exchequer; Treasurer of Counties (Ireland); Civil Bill Courts (Ireland); Concealment of Births; Ecclesiastical Appointments Suspension; Tithes Commutation.—Read a second time:—East India Postage; Assessed Taxes; Militia Pay; Militia Ballot Suspension; Slave Treaties; Exchequer Bills; Public Works; Tithe Advances (Ireland); Bank of Ireland; Central Criminal Courts; Beetroot Sugar.

ANSWER OF THE QUEEN DOWAGER.] The Marquess of *Lansdowne* said, it was his duty to acquaint their Lordships that he, with other noble Lords, to whom their Lordships had confided the honour, had this morning waited upon her Majesty the Queen Dowager with the expression of their Lordships condolence, and he would now state the terms in which her Majesty had been graciously pleased to receive and acknowledge their Lordships' message:—

'My Lords,—I thank you most sincerely for your message of condolence, and for the deep sympathy you have expressed in the afflicting loss which I have sustained. It will be my anxious study to continue to merit the respect and affection of the British nation, and I thank you for this touching mark of your kindness for the widow of your late excellent Sovereign."

The noble Marquess then moved, that the gracious answer of the Queen Dowager be inserted in the minutes.

Ordered.

PUNISHMENT OF DEATH.] Lord *Denman* moved the Order of the Day for the House resolving itself into Committee on the Punishment of Death Bill. In Committee, he should be prepared to meet any proposition that might be made for continuing the extreme severity of the law. It could not be said, that the abolition of capital punishment for offences to which this Bill had reference would remove that protection to property which was necessary, for complete provision in that respect was made in the bills relating to the criminal laws, which were discussed by their Lordships yesterday, and he felt satisfied, that by diminishing the extent of punishment, juries would be ready to convict offenders, who at present, owing to the severity of punishment, but too frequently escaped.

Lord *Wynford* complained of the late period at which these Bills had been brought up from the other House of Parliament. This Bill had been two months under the consideration of the Commons, who expected their Lordships to consider and discuss it in two days. It scarcely contained two clauses to which he could give his assent. It was full of most mischievous matter, and its provisions were directed both against the security to property and the security of the State. In the first place, he objected to the clause which repealed the Irish Act 31 George 3rd, ch. 18, which punished with death those who should rescue a murderer out of custody, and he begged to ask noble Lords who came from Ireland, whether the state of that country, at present, was such as at all to warrant this legislation? Again, he objected to the abolition, as this Bill proposed, of the capital punishment for the offence of setting fire to her Majesty's ships or dock-yards. That was an offence involving the security of the State, and it was false humanity to abolish capital punishment for such a high crime. He objected, also, to the repeal of the statute 37 George 3rd, which made it capital to attempt to seduce persons serving in her Majesty's forces by sea or land, to the repeal of the 2 George 3rd, ch. 103, which made it capital to administer unlawful oaths, by which it was sought to bind a party to commit treason or murder; and also to the repeal of the 5 George 4th, ch. 115, which consolidated the laws relating to slavery, and made it a capital offence to carry away any person as a slave; and, lastly, he objected to the proposed repeal cf the 8 George 4th, which made a conspiracy to murder (a crime but too common now in Ireland) a capital offence. On these grounds, he should move, as an amendment, that the Bill be committed that day three months.

The Earl of *Devon* supported the original motion, and denied, that the effect of the Bill would be to take away from property the necessary protection which ought to be afforded by law. With regard to the objection as to the late period of the Session at which the Bill had been brought up, he begged to remark, that the subject had for two years engaged the attention of those likely to give it a sound consideration, and the result of that consideration was in favour of such a measure as the present. The existing severity of punishment prevented prosecutions being instituted with success; it was difficult in consequence to find witnesses to give evidence, or juries to convict, and thus the guilty frequently escaped. He was of opinion, that a mitigated but certain punishment was most calculated to afford additional protection to property, and under those circumstances, he felt himself bound to give his support to this Bill.

Amendment negatived.

The Bill passed through Committee, and the House resumed.

IMPRISONMENT FOR DEBT.] Lord *Lyndhurst* asked what Government proposed doing with the Imprisonment for Debt Bill, which had been lying, as it would appear, without any one to patronise it, for the last few days?

The *Lord Chancellor* said, that the Bill had been in progress through Parliament during both last Session and the present; that this Session it had been delayed a very long time in the House of Commons, but he felt satisfied, that the delay was not attributable to those who had had the care of it in that House. It had arisen from the pressure of other business, and the Bill had been unavoidably postponed to a period of the Session, when he feared it would not be convenient for their Lordships to deal with it, unless they were prepared to agree, without much discussion, to its details as well as principle. Now, he had taken steps to ascertain whether it was probable that their Lordships were so prepared or not, and the result of his inquiry had been, that although there was not much difference of opinion as to the principle of the Bill, the details were likely to lead to considerable discussion. Under these circumstances, he did not think it would be fair to press it upon the House, because their Lordships could not give it that attention and consideration which its importance required, and which he was sure they were desirous of bestowing upon it. He would not, therefore, name any day for the second reading, but he would take the opportunity of stating, that he would, at the earliest period possible next Session, call their Lordships' attention to the subject, convinced as he was that some measure similar to that which had been brought forward in the House of Commons was due to the debtor as well as essential to the interests of the creditor.

The Marquess of *Lansdowne* said, that in consequence of what had fallen from the noble and learned Lord respecting the Bill, he deemed it necessary to state, that while he entirely concurred in the propriety of the reasons which induced his noble and learned Friend on the Woolsack to withdraw the Bill, he wished it to be understood, that it was not withdrawn from any doubt as to its importance, or any hesitation on the part of the Government to offer it as a measure, in principle at least, which they conceived it to be the duty of Parliament to adopt, but that it was withdrawn solely on the grounds stated by his noble and learned Friend.

Lord *Brougham* lamented exceedingly, that this very important measure could not become law this Session. He did not object to its withdrawal at present, but he did hope that bringing it forward at the earliest possible period next Session, would not be the only security that would be offered of giving the measure a chance of passing. Unless the business in both Houses of Parliament should be conducted in a very different manner from that in which it had hitherto been, other and better security would certainly be necessary, and might be had by bringing a Bill into that House, and sending it to the House of Commons. He was firmly convinced, that had this Bill been first brought into their Lordships' House, instead of the other, it would now be the law of the land. Not this alone, but a much larger measure, had passed the House of Commons the Session before last. There was every reason, therefore, to believe, that if the lesser measure had received the sanction of their Lordships' House, it would not have been delayed long in its passage through the other. He cast no blame on those who did not agree with him in the propriety of this course, but he could not avoid expressing his regret that the present measure had not begun in that House.

Subject dropped.

THE IRISH GOVERNMENT.] The Marquess of *Westmeath* said, that it had been his intention, nearly at the close of the last Session, to have brought these Motions under the consideration of the House which he now proposed to bring forward; but as the noble Earl at the head of the Irish Government did not at that time attend in his place, he thought it fitting to postpone, to a time when he might be expected to attend, the observations he should make, and the Motion with which he intended to conclude. The various circumstances connected with the transactions to which he intended to call the attention of their Lordships appeared to him to be fully sufficient to justify him in bringing forward a Motion; but if any additional considerations of that nature could be required, they might be found in the fact, that he had signed a petition relating to it. Considering it then the most fair and manly course to bring the subject forward when the noble Earl was present in their Lordships' House, to explain and defend his own conduct; and considering it also only fair to avow himself at the outset to be on principle an uncompromising opponent of the noble Earl's Government in Ireland, he should go on to make such statements and observations as the case seemed to require, in doing which he begged to say that he spoke not only his own sentiments, but those of a considerable portion of the more enlightened and intelligent inhabitants of Ireland. Proceeding then to the task which a sense of duty had impelled him to undertake, he entered upon it with diminished reluctance when he brought to mind the challenge which, on a recent occasion, the noble Earl had thrown out to the Members of their Lordships' House, calling on any of them who had thought proper to bring forward such charges as they might see right, and that he was there to answer them. In so vindicating himself, the noble Earl would have to do this—he would have to show good grounds for disdaining all the rules and maxims by which the conduct of all chief governors of Ireland had been guided for centuries past. The noble Earl had imagined grievances which did not exist, and had gone about redressing them. In the fulness of his mercy and clemency, he had sacrificed the peace, comfort, and happiness of the respectable and industrious inhabitants of Ireland. At all times he felt disposed to pay to the noble Earl the respect due to his station, but were he to enter the Castle of Dublin, he should feel that he exposed himself to political contamination. Nothing should induce him to enter the vice-regal palace until after it had been purified by the exit of the noble Earl. The noble Earl had introduced an individual to the viceregal residence who had been convicted of a serious offence against the laws, though he had never been punished—a man who had reviled in the grossest terms members of the Sovereign's family; who had by his chicanery frittered away the boasted securities which it was said the Reform Act had created, basing three-fourths of the representation of Ireland upon fraud and perjury. The noble Earl might appear to be amused, but that was no answer to his statements. He would defy any man to disprove what he said. He did not scruple to affirm, that as long as that individual had a head on his shoulders, the traitors of 1798 must be looked upon as murdered men. He defied any man to prove the contrary, and holding these opinions he would never shrink from an opportunity of expressing them. He should never be deterred from honestly and openly expressing his opinions. That individual had upon all occasions used his influence to promote, not loyalty, but a qualified obedience to the Sovereign. It was well known that within these few days he had put forth his manifesto, declaring the mode in which the allegiance of the Irish people was to be regulated, that mode being neither more nor less than his dictation. Having thus prefaced the observations with which he meant to trouble their Lordships he should now proceed with the facts of the case. During the administration of the Marquess of Anglesey, Sir Richard Nagle had attended an anti-tithe meeting in the county of Westmeath. He received instructions from the Government to inquire from the hon. Baronet his reasons for such conduct. From the present Lord Chancellor of Ireland, who then filled the same office, he also received similar instructions, bearing chiefly upon his fitness to be continued in the commission of the peace. From the reasons which the hon. Baronet assigned it was not thought that he was a fit or proper person to hold the commission of the peace, and the hon. Baronet was removed accordingly, he having received from the Government instructions to intimate to the hon. Baronet that the Government did not think he ought any longer to hold such an office. In consequence of this he was thought by a majority of the electors of Westmeath a suitable representative for them in Parliament, and he was chosen a Member for that county at the next election. At the close of the next Session of Parliament a letter was addressed to him by Mr. Drummond, calling on him to restore Sir Richard Nagle to the Commission of the Peace. He did not think that any sufficient reasons for such a step were given in Mr. Drummond's letter, and it appeared to him that the reasons for the hon. Baronet's removal continued still to operate. Soon after that he heard by accident that Sir Richard Nagle's name was restored to the Commission of the Peace, but he had received no intimation from the Government on the subject. It was rendered clear soon afterwards that the purpose of this restoration to the Commission of the Peace was with a view to the further honour of being advanced to the lieutenancy of the county. He then thought it necessary to address a remonstrance to the Government, and the noble Earl's secretary replied to him, intimating plainly that with respect to Sir Richard Nagle, he must obey; the matters were no longer the same; that the *status in quo* of the county had been materially changed. In what had the change consisted? The hon. Baronet had become a Member of Parliament and a supporter of the Administration. He need not remind the House, that such a course of proceeding was towards him, the Lord-lieutenant of the county, most uncourteous. He was, in the first instance, made the vehicle of a most ungracious communication; he had endeavoured to perform the duty with as little pain to the party principally concerned as possible, and after the lapse of a very short time, he was in the most unceremonious way possible called upon to undo all that he had done. Let the House only look at the effect which this was calculated to produce in Ireland—it had the effect of placing the priests and their party over the head of the representative of the Sovereign in Ireland. It was now for the noble Earl to justify this. Soon afterwards, he received letters from Sir R. Nagle and Mr. Chapman, recommending that a Mr. Sheil should be included in the commission of the peace; he showed, from the map of the county, that those gentlemen could not be judges of the fitness of Mr. Sheil, and he conceived also, that on the face of the letter which he wrote in reply, reasons sufficient were stated for not appointing Mr. Sheil, altogether apart from any considerations connected with Mr. Sheil's character as an agitator. Now, with respect to stipendiary magistrates, he must urge it as an objection to the Government of the noble Earl, that he placed the administration of the law in the hands of men, as stipendiary magistrates, who had not shown themselves very well qualified for the exercise of the duties of that office. As an instance, he would mention the case of Mr. Lawrence Cruene Smith, who had often taken the chair in the treasonable association. Another name, which had been returned in the list laid before the other House, was that of Mr. N. French, a son-in-law of Mr. O'Connell, and also a member of the association. With these two names, he would leave that part of the case and come to another, on which, though it had been discussed on more than one occasion in that House, he could not avoid saying a few words—he meant the exercise of the royal prerogative of mercy. When this subject was before their Lordships on Monday, he understood the noble Earl to say, that the number of pardons in severe cases (by which he understood cases of murder or capital felonies) were very few, and in cases of transportation for life only four or five. At all events, the noble Earl would admit that he had described the number of cases as not very great. Now, he would read from the official return the number of pardons of all kinds given by the noble Earl, and the offences for which they had been convicted. There were twenty-seven under sentence of death who had been discharged; of three of these, the day of execution had been fixed. [The Earl of *Mulgrave:* No.] He was perfectly certain of having seen the circumstance in the returns. The cases were two of murder, and one of conspiracy to murder, With the case of conspiracy to murder he was well acquainted, for it happened in the county which he knew well. It was the case of John Lynch, who had suffered two years' imprisonment. Of the twenty-seven under sentence of death, three were for highway robbery, ten for abduction, six for rape, for robbery four, and for a malicious assault one. The two for murder, he had already mentioned. For not one of these had any bail been taken on their discharge, except the man for the malicious assault, for whom a peace-bail had been taken of 100*l.* from the party himself, and two sureties in 30*l.* each. There had also been discharged thirty-three persons under sentence of transportation for life, and from these bail was required from only two; one in 10*l.* himself, and two in 5*l.* each, and the other had an undertaking given by his father, that he would enlist in the service of the East-India Company. This was a monstrous compliment to the East-India Company, and certainly a strange mode of giving bail. Two were discharged under sentence of transportation for fourteen years, no bail given. Sixty-three were discharged who were under sentence for seven years. Of these bail was taken from only four. One of the parties was for perjury, and when their Lordships considered the consequences to which perjury might lead in Ireland, they would agree that it was not a fit case in which to extend the mercy of the Crown. For other and minor offences, the numbers discharged were 960, making in all 1,086 cases, and out of these bail was taken in only forty-one cases. The two cases of murder to which he had alluded were, first, that of Thomas Collins for murder, in the county of Galway, discharged on the 13th of September, 1835, by a written order from the Lord-lieutenant,—no bail taken.

The Earl of *Mulgrave:* The o der was made on the recommendation of Judge Burton, who had tried the case.

The Marquess of *Westmeath* said, he was glad to hear that, which he considered satisfactory as far as the discharge was concerned, but why had not bail been required of the party in such a case? The other case of murder in which the party, the day for whose execution had been fixed had been discharged, was that of Patrick Hickey, convicted in the city of Limerick. He was discharged by order of the Lord-Lieutenant, but no bail was required of him. Out of the 960 cases five had been convicted of perjury, sixteen for manslaughter in the county of Kerry, and amongst others, but on what grounds he could not say, were three who had been convicted for keeping brothels. Out of the dépôts, thirty-four had been discharged for causes assigned, and out of the Essex hulk without cause assigned. Of these latter one had been sentenced to death, two to transportation for life, and eight to transportation for seven years. He had selected those instances in the conduct of the noble Earl, and he must say, that if the Government allowed that mis-judging Earl to return to Ireland as the head of the Government there, they would be seriously tampering with the peace and good order of society there, and the security of those who were no partymen in that country. He would now come to the appointment of sheriffs. In the Westmeath list, the names of three Protestants were passed over, and a fourth not on the Judge's list, and who was not a Protestant, was selected as sheriff. Now, he did not wish to be understood as having any objections to Roman Catholics on account of their religion. There were many amongst that body who were most respectable, and whom he should be glad to find take their proper station in society; but he objected to the choice of men who were distinguished for nothing more than their connexion with agitation. In the county of Clare, the Government had passed over Mr. Edward Fitzgerald and Mr. Gore, who were Protestants, and came to a fourth, who was an advocate for the repeal of the Union and other questions of agitation. In Carlow, two in the list who were willing to serve had been passed over to come at a third, who it was known would serve the Government at the then approaching general election, and Mr. Keogh was fixed upon. One of the first things which Mr. Sheriff Keogh did was to name, at the recommendation of the Attorney-General for Ireland, as his assessor, a Mr. Welsh, who was a member of the association; but this was not stated to Mr. Banbury, the Conservative candidate, or to any of his friends, who, had they known the circumstance, would certainly have opposed such a man as assessor. The fact was, the man was the Attorney-General's devil—that was, the noter of his briefs, and of course he was deeply in his confidence. He mentioned these facts to show the means resorted to to influence the representation in Ireland. In fact, he would rather see Ireland without representatives, and to trust to the honour of the British Parliament to do Ireland justice, than to have a set of representatives whose returns were so influenced as they were at present. Mr. Sheriff Keogh had appointed as his sub-sheriff a Mr. Fitzgerald, who was a member of the association, and was the secretary to the Carlow Liberal Club. All this was stated in the Report of the Committee. At the election, the sub-sheriff and assessor allowed two votes tendered for the Liberal candidates, which had been part of thirty-six struck off by the Committee, and for which the Speaker's warrant had been sent to strike them off the clerk of the peace's books. They had been objected to as having been so struck off, and as being without qualification by certificate or affidavit, yet they were admitted. Another voter for the Liberal candidate had been admitted, though he had not been registered six months. In another case, a voter who had a good vote was refused because of a slight informality in the name of the barony, and the man was not allowed to fall back on his affidavit. All these partialities were traceable to the partial conduct of the noble Earl at the head of the Government in the selection of partial sheriffs, and if the system were allowed to continue, there would be no security in the country for the due administration of Government. Soon after the elections alluded to, there were 325 Protestants and 295 Catholics on the panel. There were riots took place about that time, and several Catholics were indicted, but before the trial came on the panel had been altered so as to leave only ten Protestants on it, and he had it on good authority that one Roman Catholic was on the Jury on the trial of his brother. And when some of those parties were acquitted and discharged, Chief Justice Doherty said it was one of the most extraordinary proceedings he had ever witnessed. He could assure their Lordships, that the peaceable inhabitants of Ireland were alarmed at the prospect of the noble Earl's return to Ireland as head of the Government. In taking the course he now did, he could assure their Lordships that he had no other motive but a desire to discharge what he considered his duty—and nothing but his going back to Ireland to reside made him unwilling that the noble Earl should again be placed at the head of the Government. He would conclude, by submitting his motion for the production of the correspondence between the office of Chief Secretary of Ireland and the Marquess of Westmeath, relative to the removal of Sir Richard Nagle, bart. from the lieutenancy of the county of Westmeath and his re-appointment thereto; also of the correspondence (if any) with the Lord Chancellor of Ireland and the Marquess of Westmeath, relative to Sir Richard Nagle's removal and restoration to the commission of the peace for the county of Westmeath, and to the appointment of — Sheil, esq., to the commission of the peace for the said county."

The Earl of *Mulgrave* observed, that the motion had been shown to him on Thursday. He was asked if he objected to that motion. He replied that he did not object to it, but that he thought it was at all events right that due notice should have been given of it. The noble Marquess upon this did give his notice; but it was without any communication with him as to the time that the motion would be made, or without affording him an opportunity for writing for the information that the noble Marquess required. But what notice had he of the nature of the noble Lord's motion, and the manner in which it was to be introduced? He appealed to the candour of every noble Lord who heard him if he could possibly have anticipated the course which the noble Marquess had thought proper to adopt upon this occasion? Was he to write for information upon the numerous topics to which the noble Marquess had referred? Was he now to be called upon to reply to them without the slightest notice being given to him—without the least intimation that they were to be alluded to—without the possibility of referring to various papers connected with them? And was he to be called upon to do this because the noble Marquess had thought proper, in moving for a correspondence upon two particular points, to enter into the many subjects he had alluded to, and because the noble Lord upon such an occasion had delivered one of the most unparalleled pieces of oratory that he believed had ever been addressed to that House? One part of the noble Marquess's observations was addressed to the proceedings of the Carlow

Committee, into the nature of which he should not enter: the noble Marquess had even quoted something from the proceedings of that Committee. Now, what connexion had he with the Carlow Committee? Surely their Lordships might well ask, how could he possibly conceive that such a topic could be introduced upon such a motion? But then the noble Marquess had alluded to many other topics, and he should now, as far as he could do so without the documents, apply himself to those topics, and give the best explanation that, under the circumstances, it was in his power to give. He should first allude to what the noble Lord had said of his return to the Government of Ireland; and without troubling himself very much as to the anxiety the noble Marquess seemed to labour under, as to his returning to Ireland, he should only say that it was one consolation to him, under the direful denunciation pronounced against him by the noble Marquess, that he had combined his presence in Ireland with the satisfaction of the people. The noble Marquess seemed to labour under a great apprehension of the representation of the Irish people; and he even had declared that he wished to God that they could get rid of representation in that country. In such company as the noble Marquess had been pleased to place him he could assure the noble Lord that he was happy to be the object of his censure. There was one portion of the documents which the noble Marquess had moved for, that he could more appropriately have called for at another time than the present: he could have called for them in the presence of his noble and learned Friend (Lord Plunket), who had been there for a considerable portion of the early part of the Session, and who would have been most ready to have given him an answer as to the whole of that which regarded the case of Mr. Sheil. He should not trespass upon their Lordships with that, although he could go into the whole of the case of Mr. Sheil. He rested with the most perfect confidence upon the judgment and discretion of his noble and learned Friend, and especially when he decided that cases were made out for interfering, without the consent of the lieutenants of counties, in the appointment of magistrates worthy of the popular confidence. He avowed, and he was prepared to defend, the establishment of a Government enjoying the popular confidence in the due and proper administration of the laws. The noble Lord had, however, made a charge against him the accuracy of which he disclaimed. The noble Marquess stated, that he had set himself up in opposition to all former viceroys. He disclaimed that he had, upon any occasion, ever done so; on the contrary, he had upon most occasions acted in that very way which he believed would have been adopted by either of his two noble Friends who had held the Government of that country for a long time, with such advantage to it, and with such credit to themselves. As to Sir Richard Nagle, the best proof of the propriety of the time which had been adopted with regard to that gentleman was, that the present Lord Chancellor of Ireland who sanctioned his restoration, was the Lord Chancellor of Ireland at that very time when under other circumstances, he thought that it was proper to have him removed from the deputy-lieutenancy of the county, and also from the commission of the peace. But why did the noble Marquess now bring this matter forward thirteen months after the thing had passed? He did not exactly recollect the terms of the letter written upon the occasion; but, as far as he could remember it, he believed the terms of the letter to the noble Marquess were nearly these—that it was expedient that Sir Richard Nagle should be restored to the commission of the peace, and also to the deputy-lieutenancy. As to Sir Richard Nagle himself, every one who knew him must be convinced that there could not be a more valuable character; one who was beloved and respected by all who knew him, and one, too, of the best of magistrates in his neighbourhood. The cause of the removal of Sir Richard Nagle was, that he had attended an anti-tithe meeting. Upon that occasion he had taken the chair; there was no political expression of his upon the subject beyond this; but he was removed from the commission of the peace for having presided at that meeting. It was to be remembered that Sir Richard Nagle was not at that time the member for the county, and no other opportunity had been afforded him of explaining his political conduct. Sir Richard Nagle had, however, since that time an opportunity of testifying what his political conduct was with regard to the question of tithes; and he had shown it in his readiness to accede to that arrangement which had been sanctioned by a majority of the House of Commons. Not only had Sir Richard Nagle done this, but he had also done something more. Some men changed their opinions, others only changed the mode of expressing them. Perhaps the noble Marquess was not aware of that. Now, the opinion of Sir R. Nagle, and that of a majority of the Irish people, was against the present arrangement of the tithe question. But Sir Richard Nagle, and the people, too, had learned the advantage of having the law upon their side, and would no longer set themselves up in defiance of the law, and the consequence was, that their Lordships heard now of such meetings being held in that country with men of the weight and importance of Sir Richard Nagle presiding over them. But there was, moreover, this fact to be stated with regard to the change in Sir Richard Nagle's position, and he was sure it would be considered as rather an important one by the noble Marquess himself, and those who took the same ground that he did with respect to the tithe question. Sir R. Nagle, from having presided over a meeting, the effect of which it was supposed was to offer opposition to the payment of tithes—to offer opposition to the law as it then existed—had paid his tithes. This had happened since, and, as example was better than precept, he had paid his tithes. Sir R. Nagle's conduct was, in the one view, only constructively encouraging the opposition to tithes; while, in the other, he had taken the positive step of paying them. With regard, then, to Sir Richard Nagle, he did not think it necessary to say anything more. When the circumstances that had occurred with respect to Sir R. Nagle took place, it so happened that he was engaged in the public service thousands of miles from Ireland, and he knew nothing of the case except through the usual channels of information. But he felt convinced that his noble and learned Friend had taken a clear and distinct view of the question upon both occasions—that Lord Plunket had taken into due consideration the propriety of the removal from the commission of the peace in the one case, as he had to restore the same person to the commission of the peace under altered circumstances. Very many topics had been introduced by the noble Marquess in a rambling way in his address, and some statements were made upon the authority of the noble Marquess himself. The noble Marquess had afforded him no opportunity of procuring papers necessary to answer his statements; but it so happened that he had one communication with respect to that noble Marquess which he had accidentally found amongst his papers. This document referred to a statement made in the course of one of the noble Marquess's exhibitions—to one that he had made in the early part of the Session; and he meant to read it for the purpose of showing that no credit was to be attached to the authority of the noble Marquess—that nothing was to be taken upon the assertion of the noble Marquess as to his information of a fact. The noble Marquess had, with reference to his discharging prisoners from gaol, said, that "when he (the Earl of Mulgrave) had visited the gaol of Mullingar in the county of Westmeath, the gaoler was in a state of transition from sanity to madness, and the proof of this was, that the day following he had to be put into a strait-waistcoat; and yet it was upon the recommendation of that man that nineteen prisoners were let out of gaol." Now, what would their Lordships think, when they found that in the whole of that statement there was not one fact? The man was not in a state of transition from sanity to madness; the man had not to be put into a strait-waistcoat the next day, and it was not on the recommendation of that man that nineteen prisoners had been discharged. What was his astonishment some days after this statement had been made, and when he returned to Ireland, to receive a letter at the Castle signed by this very gaoler! He owned that he distrusted the evidence of his eyes—he could not credit it—he could not believe that a Peer of Parliament, trusting to the implicit reliance that should be placed upon his solemn assertion—he could not believe that a person so situated would lightly bring forward grave charges—that he would not only do this, but state that which was directly the very reverse of the fact; and this, too, connected with his own county, and with which he had an official connexion. —he could not believe that very noble Lord would venture to make such charges without having very good grounds for them. Yet what more was there connected with the case of the man thus assailed? In looking over the returns to that House the name of the person was still to be found. But their Lordships would be surprised when he referred to a letter he had received upon this subject. The writer of it was the hon. and rev. Henry Browne, the rector of Mullingar, and the inspector of the prison. With respect to the high character of that clergyman he could venture to refer to the noble Marquess himself, and even he must be bound to say of the rev. Henry Browne, that never was there a better country clergyman nor a more respectable man. His answer was to this effect—" With reference to the governor of Mullingar prison, during his knowledge in connexion with that prison for nine years, he had never known one more alive to the duties of his situation, or more efficient in the discharge of them. Upon his Excellency's visit to the prison every thing had been arranged with the most minute care. A few days after he was attacked by fever, and upon the Saturday he was, in the usual course of the disease, delirious. But upon the 22d August (the day his Excellency visited the prison) he was competent not only to conduct the affairs of the prison, but to assist him (the writer) in recommending and pointing out on that day the prisoners entitled to his Excellency's notice." Where, then, was the gaoler that was in a state of transition from sanity to madness? Their Lordships perceived that no strait-waistcoat had to be put upon him the next day; nor was it upon his recommendation, but upon that of the hon. and reverend Henry Browne, that he had discharged a few prisoners confined for minor offences, and near the expiration of their sentences. Mr. Browne added, that he was happy to be able to state that he had it in his power to quiet the injured feelings of a highly meritorious and valuable officer. Now, he must say that it was not fair, it was not becoming, it was not proper in the noble Marquess thus to come forward, and, whatever might be the station of the person, wantonly prefer a charge against him—against a person, too, holding an office in the chief town of the county over which he presided; and, this too, for the purpose of making an unfounded accusation against the head of the Government under whom he held a commission. He told the noble Lord that he did not envy him his feelings; he told him more, that the mere assertion of the noble Lord would henceforward not be sufficient for him; and when the noble Lord rose in his place, he would not say that he did not believe him, but that it would not be enough for the noble Lord, in his place in Parliament, to tell them what he had fancied to have heard, or what he believed he was told. He assured the noble Lord he should distrust his authority; and even in any official reports coming from the noble Lord he would require some further confirmation of them—something more than his assertion; for the noble Lord had proved himself to be too credulous in believing, and too careless in asserting. He had now to refer to the returns of the prisoners liberated. The noble Lord had put into the return, skilfully enough, not only all the persons that had been discharged by him upon the recommendation of the inspectors, but also all the persons discharged upon the recommendation of the Judges, upon medical certificates and for other reasons. It was difficult in a return of 1,300 cases to catch at a particular name; but luckily there was a case in Galway of which he could from recollection venture to say this—that he saw Judge Burton with respect to that case, he saw the man when he was in Galway. The case was a very curious one, and with the particulars of it he should not trouble their Lordships. The verdict of the jury was murder, and although the judge said, from considering all the circumstances, he was not inclined to set it aside, yet the case was one for the extension of mercy. Had the noble Lord given him notice that he meant to make this a charge against the Irish Government he should have been prepared to meet it. He had said that he wished to hear of ny charges that could be made against him. To be sure he did; but then he wished to be met fairly—he wished it to be done not in a manner that would put it out of the power of the human intellect to apply itself to the subject. He had certainly a right to complain of the conduct pursued upon this occasion. No one could have possibly supposed that the Noble Marquess, in moving for papers as to the appointment of two persons to the commission—no one but the noble Marquess himself could have supposed that he was therefore entitled to go into every subject he could possibly think of, or that the noble Marquess was entitled, therefore, to call on him to tax his recollection as to the cases of 1,300 persons—some liberated upon reference being made to the assistant-barristers, others upon the recommendation of the judges, more upon medical certificates, but to all of which he had given the most anxious care and the most deliberate attention, as it was his duty to do, in all cases. There was, for instance, the case of Hickey. He supposed that had occurred after the spring assizes, and when the number of prisoners were large, and some of them convicted of very grave offences. He had an indistinct recollection that Hickey had been recommended by Mr. Sergeant Green for the exercise of mercy. This was his recollection, but he was not positive as to the fact. He believed that Hickey was recommended upon the ground of insanity. The noble Marquess had gone through a great number of cases—of murders, of aggravated assaults, of persons improperly liberated. He repeated, then, what he stated upon a former occasion, that none charged with grave offences, with serious offences—that no such persons had been liberated except upon medical certificates, and in most cases except after reference to the authorities presiding at the trials. As to this matter, the discharging of pris ners, he believed that it was impossible for the power of language to have gone further for the purpose of misrepresentation than in that case. Much it ought to be remembered depended upon peculiar circumstances, and they could only judge of the propriety of the discharge by looking to the peculiar circumstances in each case. He had to say, that of the whole of the prisoners discharged upon the recommendation of the inspectors—of all those there were but nineteen recommitted, and those were for two or three minor offences, such as throwing stones, &c. With regard to the hon. and rev. Mr. Browne, he wished to make one remark. Even the noble Marquess himself had assented to the character that he had given of that hon. and rev. gentleman. He hoped that he might be permitted to take that opportunity of saying, not only was the hon. and rev. Mr. Browne as deserving a man as an inspector of the gaol and a Protestant minister, but so also were all the Protestant ministers who were inspectors of gaols. He never in his life saw a set of men conduct themselves in a more exemplary manner, or with greater propriety of feeling, than those gentlemen did in their arduous duties. It seemed to him, that being the ministers of an establishment of which the actual professors were few, and being not confined to the care of a flock, they seemed to take delight in labouring for the common fold of Christianity. He had not only received from Mr. Browne, but also from other gentlemen similarly situated, letters upon that point which had been so much complained of, and from them he was in possession of papers in which they, as inspectors of prisons, bore testimony to the excellent effect produced by the discharge of prisoners under the limitations that he had placed it. Those gentlemen declared that they found it not only useful to themselves, as giving them a control over the prisons that they had charge of, but also as affecting the tranquillity of the surrounding country. There were, it was to be remembered, peculiar circumstances connected with Ireland that rendered it possible that what was expedient to do there might not be applicable to the settled state of England. The noble Marquess had stated, as to some of the persons discharged, that they had been convicted of the crime of perjury. Now, in the whole of the oration of the noble Marquess, there was only one point in which he concurred with him, and that was in his denunciation of the horrible crime of perjury. Luckily his opinion upon this subject was recorded. It would be found in a communication with Baron Pennefather. In one of the minutes he had made, he had declared that he saw the necessity of suppressing the crime of perjury; he had so stated his opinion; nor was there any one instance in which a person convicted of the crime of perjury had been discharged, except under special circumstances, which did not at all affect the crime itself. The noble Marquess had read him a lesson upon the impropriety of discharging persons convicted of such a crime, as if he had discharged them without consulting those by whom they had been tried. He had done exactly the reverse, and he had proved that he was anything but indifferent to the commission of a crime which he agreed with the noble Marquess in thinking struck at the well-being of society. The noble Marquess had then stated, that many had been discharged without giving bail. What was the object in requiring bail? It was to prevent the same person from re-committing the same offence, or from placing himself in the same situation. That to discharge without giving bail had not been capriciously exercised was shown by the fact that, within the last two years, of all that had been discharged from prison, only nineteen had been recommitted. The noble Lord really could not expect him to go into all the details with regard to the appointment of Mr. Keogh as sheriff for Carlow. Three names had been given in, and the choice was left to the Executive, and in that instance he had not departed from the rule. In 1816, Sir Robert Peel had made an alteration that the sheriff should return to the judges three names, and that the lists should be afterwards referred to the Executive. Nothing that the right hon. Baronet had done reflected more honour on him than that. It had been for the public convenience, and, except under special circumstances, he should not depart from that rule. As to the other part of the noble Lord's charges, their Lordships must excuse his answering them now, as he had not the necessary papers to refer to. He could, however, say, with regard to the appointment of Mr. Sheil, that the Lord Chancellor had consulted him verbally on the subject, and Mr. Sheil was appointed in consequence of what he had said, he was willing to take the responsibility upon himself. He had not a distinct recollection of these matters without the papers, but as this was perhaps the last opportunity he should have of speaking on the subject during this Session, he was anxious to correct at once some of the statements of the noble Lord. There was one thing which he wished to impress on the minds of their Lordships — the advantage of the local prosecuting county solicitors. That, in consequence of this, disturbances in Ireland had not been so frequent, and faction fights had ceased. The noble Lord had indeed denied this, and had said, that great riots had taken place in Tipperary. He had, however, received information that such an assertion was not borne out by fact. At one of the fairs there certainly had been some disturbance, but no loss of life had taken place. With reference to the number of persons in Clonmel gaol—about 1,500—it did appear a great number, but much would depend on the comparison with other times; and it must be remembered, moreover, that the new system which he had been advocating had only just come into operation, and therefore, more persons were confined there; but he thought that, notwithstanding this, the county of Tipperary was in a far more peaceable state than it had hitherto been. He appealed to the good sense and candour of the noble Lord, but it was not necessary to appeal to that, as the present state of Tipperary clearly showed, that the appeal which he (Lord Mulgrave) had made to the popular feeling in Ireland had not been without its tranquillising effects in that country. If it had not done so, where did the blame rest? Why, with the noble Lords who had made the requisition to him to suspend the constitution, and had not followed up his neglect to comply with that requisition by any further proceedings. Not only, however, did he thoroughly believe that the state of Tipperary was much improved, but he knew it to be so. However much he regretted the indications of feeling which still prevailed — however much he regretted the state of that unfortunate country, still he was convinced that the condition of Ireland was never one of greater tranquillity than it was at present. The returns of offences made for the month of June last, was one-sixth less than that for the month of May, and making every allowance for cases of common assault, which were not returned now as they were formerly, he felt warranted in stating, that the offences committed in June last were only half the number of the offences committed in June, 1836. In corroboration of this he could cite the representations of the grand jury of the county of Louth, praying that the police force might be reduced, in consequence of the tranquillity of the country, which they expected would continue. A further corroboration was to be found in the support of the resident gentry, Protestant as well as Catholic, by the support of the landed proprietors, and by the peers of Ireland—an array such as had never been gathered together in support of any Government. This, too, was in support of a Government which the noble Lord said was detested by the peaceable portion of the community. He had no fear for the result of this discussion. He believed the habits of the people of Ireland were settling; he would not say that they were settled, and he hoped that the tranquillity which now prevailed in that country would long continue. Among the well-wishers of that fine country, none could be more sincere in their aspirations for its welfare, or more zealous for its interests, than himself.

The Earl of *Roden* regretted that the noble Lord who had last spoken should have been betrayed into expressions which he was sure he could never have intended to utter, for the noble Earl had spoken of the rhapsodical speech of the noble Marquess who had introduced this subject, which, he conceived, was not language suited to that House. What were the circumstances of the case? Sir Richard Nagle, a magistrate in Ireland, filled the chair at a meeting, the object of which was resistance to the law. He was put out of the commission of the peace, and again restored to it by the Lord Chancellor, on his becoming a Member of the other House of Parliament. He confessed, that whatever the objects or the intentions of the noble Lord or the Lord Chancellor were in restoring Sir Richard Nagle to the commission of the peace, and he said nothing against the purity of their motives, the appointment of Sir Richard Nagle was highly unconstitutional, and manifested and marked in the strongest degree what had been the conduct, the uniform conduct, of his Majesty's Government in Ireland, with reference to the individuals who agreed with them in their political views. He was unwilling to state any thing that he was not prepared to give a reason for, and he would instance the case of Colonel Blacker, in the county of Armagh.

The Earl of *Radnor* rose to order. The noble Marquess had given a notice to move for some particular papers, and the noble Earl most irregularly referred to other matters to which that notice did not at all relate.

The Earl of *Roden* was strictly in order. He was referring to the case of Sir Richard Nagle, and comparing it to the conduct of His Majesty's Government towards Colonel Blacker. The noble Earl, who had interrupted him, might laugh and sneer, but he could not forget that Colonel Blacker was dismissed from the commission of the peace because he had attended an Orange meeting—a loyal meeting—a meeting, the object of which was to support the laws of the country, and maintain the prerogative of the Crown. There was after his dismissal an investigation to ascertain whether he had attended that meeting, and it was proved that, so far from attending it, he did every thing in his power to prevent its being held. In fact, the only thing that was alleged and proved against him was, that Mrs. Blacker wore an orange lily. Colonel Blacker had applied to be re-instated, but his application had been refused. Sir Richard Nagle, on the contrary, had been restored to the commission, and, therefore, he was warranted in saying, that his Majesty's Government had been guilty of gross partiality. With regard to the present condition of the country, he denied that it was in a state of tranquillity. It could not be said that a country was tranquil, when it appeared by the *Gazette* that out of the 290 proclamations issued during the past year by the Lord-lieutenant, seventy-one had reference to murder. Between the 7th of February and the 16th of the same month eleven actual murders had been committed. Surely a country where such events as these happened could not be called tranquil. The condition in which the Irish clergy were placed was in itself a sufficient proof that the country was not tranquil. They could obtain no money for their subsistence, and the insurance offices refused to continue their insurances, on the ground of the insecurity of a clergyman's life. The noble Earl talked of the tranquillity of Ireland, but how was that tranquillity preserved? The law was not put in force, tithes were not paid, and the clergy were starving; the country might be tranquil enough for the noble Earl, seated in Dublin Castle, surrounded by all the comforts and luxuries that were at his command, but if the noble Earl would visit the Houses of the poor starving clergy, and witness their miseries and sufferings, he would be of a different opinion, and would not tell their Lordships this cock-and-bull story, for it was neither more nor less, about the tranquillity of Ireland. The system of partiality followed by the Government had been extended to small as well as to great matters but in all that the Government had done he must say, that the choice of Members of the association had proved most injurious to the execution of justice in Ireland, not that these individuals had been guilty of anything since their appointment to office, but the very circumstance of their being selected from the association had produced this effect, that association having for its object the repeal of the legislative union, provided such and such things did not take place, and also the destruction of the Protestant Church, and the establishment of the voluntary system in its stead. The noble Earl read a proclamation bearing the signature of Lord Morpeth, and which related to certain outrages that had been committed in the part of Ireland in which he lived. It was not his wish to defend any persons who committed outrages, but he thought that he had reason to complain of the wording of this proclamation. It offered a reward of 100 guineas for the discovery of the armed parties "who had attacked seven houses belonging to Roman Catholics in the parish of Killaman." Now he objected to the statement that the houses belonged to Roman Catholics. The object of those words was to make it appear to the country that it was the Protestant people of Ireland who had committed those outrages, and the effect of them had been to make the Roman Catholics of the south of Ireland the inveterate and determined foes of the few Protestants who were scattered among them.—[Lord *Holland.*—What is the date of that proclamation?] November 4, 1835. It appeared to him that her Majesty's Government ought to administer justice without fear or favour; but a proclamation like that which he had just read to their lordships proved that such was not the *animus* by which the present Government of Ireland was influenced. He held in his hand another proclamation, dated March, 1837, in which expressions equally objectionable were inserted. The preamble commenced by stating that, "whereas a number of individuals sworn to belong to the Orange lodge, No. 115, had committed such and such offences." Now, how was it that Government had so far forgotten the functions which it ought to exercise as to insert in one of its proclamations that individuals belonged to such and such a party? Did the noble Earl ever insert in any of his proclamations that such and such an individual had recently belonged either to the riband or to any other association? If he had not, then the expressions which he had quoted afforded another proof of the partiality of the noble Earl, and of his desire to show that the Protestant population embarked as eagerly as the Roman Catholic population in the commission of crime. In both of the cases which he had quoted, it was quite unnecessary for the noble Earl to enter such expressions in his proclamation. One word with respect to the observations which he had made on the language said to have been used at a dinner by an individual unfortunately too notorious in Ireland. He had formerly said, that he had been informed that Mr. O'Connell had said at a public dinner at Carlow, "Men of Carlow, are you ready? I am one of the last men in the world to recommend the shedding of blood; but we have tried every other means, and we have no course left us now but the shedding of blood. I say that blood must be shed to prevent more blood from being shed, for, should your enemies get into power, they will undoubtedly shed your blood." He had been told, that Mr. Vignolles, an officer of high rank in the police, and two officers holding commissions in her Majesty's army, were present when those words were used. He wished to ask the noble Earl whether his Government had ever received from Mr. Vignolles any statement of the circumstances under which that speech had been made, and, if his Government had received such a statement, whether he meant to institute a prosecution against the individual who had used in public such seditious, such exciting, such dangerous language? He waited with impatience for an answer to this question, for he recollected that shortly after that speech was made the man who had made it was publicly entertained by the Lord-Lieutenant of Ireland in her Majesty's Castle of Dublin. It was not for him to quarrel with the noble Earl respecting the individuals he might think proper to invite to his own house as Earl Mulgrave, but he had a right to remark upon the individuals whom he thought proper to invite to her Majesty's Castle of Dublin as Lord-lieutenant of Ireland. He should be most happy to see the noble Earl in his private capacity at his (the Earl of Roden's) house, but not in his public character as Lord-lieutenant. For the private character of the noble Earl he felt great and unfeigned respect; but from his public conduct he must altogether withhold his approbation. No man could regret more than he did the feeling manifested towards the noble Earl by the resident gentry of Ireland. No one could lament more than he did the wretched attendance at the noble Earl's levees, and the scanty appearance of rank and talent in a place where all that was noble, and all that was educated, and all that was useful in Ireland, had formerly congregated to do homage to the Lord-lieutenant. He agreed, however, with the resident gentry of Ireland in thinking that where that individual had entrance there was no want or wish for their presence. Another topic on which he wished to say a word was, the comparison between the National Association and the Orange Association of Ireland. He lamented that when the latter Association was put down at the request of the friends of order and religion all associations of a political character had not been simultaneously abandoned. Notwithstanding the forbearance—he might almost say the criminal forbearance—of the Orangemen — notwithstanding their frequent exhibitions of themselves in the character of good and loyal subjects, her Majesty's Government had suffered an association to exist in Dublin which met for no other purpose than to beard the Orangemen for the conduct which they had pursued, and to brand them as rebels, and to stigmatize them with the basest calumnies that could be imputed to man. Yet, notwithstanding all this, the country saw the Orangemen proceeding quietly in their course under the law, and not transgressing it; and although a proclamation had been issued against the customary processions of the 12th of July, a proclamation which was likely to raise such processions from their ashes, he did not expect that any processions would take place. If the noble Earl had confided in the loyalty of the Orangemen, he was quite certain that nothing more would have been heard of these annual processions. He did not know what the object of the Lord-lieutenant of Ireland might be in the course which he had adopted; but this he could tell him, that it had affected deeply all the loyal people of Ireland, and had made many persons unwilling to assist the noble Earl in his endeavours to tranquillise the country. In the complaints which he had made against the Government of the noble Earl, he did not mean to complain of his having promoted many Roman Catholics to office. As the Emancipation Bill of 1829 was now passed into a law—a measure which he deemed fatal at the time it was passed, and which from every day's experience he had brought himself to consider as destructive to the best interests of the monarchy, he did not object to seeing Roman Catholics placed in office. It was, however, with mingled feelings of hatred and disgust that he saw Roman Catholic agitators fostered by the noble Earl, and put into offices which ought to be held by loyal and peaceful subjects. He had great respect for many Roman Catholics, but as to the oman Catholic religion, he had sworn at their Lordships' table that he detested and abhorred it. He loved the Roman Catholics as men. He had lived among them all his life, and had done all he could to promote their peace and welfare. He hoped that the noble Earl, in his future government of Ireland would turn over a new leaf, and that he would consider what was due to the numbers and respectability of the Protestant gentry of that country. He hoped that the noble Earl would no longer mark his preference for one sect of Christians over another, but that he would show by his actions that his object was to carry on the government of Ireland with fairness and impartiality towards all parties.

The Earl of *Glengall* denied, that the number of the faction fights in Tipperary had diminished in any thing like the ratio stated by Mr. Howley; and in proof of his position, he read a paper containing the number of committals to the gaol of Tipperary in the years 1835 and 1836 respectively. From this comparison, it appeared, that in 1835, there were committed for affrays, 762; in 1836, 1,233:—for assaults, in 1835, 1,436; and in 1836, 2,152:—for rescue, in 1835, 401; in 1836, 567:—for grievous assaults or bodily harm, in 1835, 338; in 1836, 859:—for forcible possession, in 1835, 107; in 1836, 262:—and for larceny, in 1835, 262; and in 1836, 336. From this statement, it appeared, that the grand total of committals in 1835, was 3,395; and in 1836, was 5,412. He made this statement upon the authority of returns made to the other House of Parliament. He next informed their Lordships of the convictions which had followed from these committals at the assizes and sessions at Clonmel. The convictions in 1835, were 407; and in 1836, 842:—for assaults, in 1835, 105; and in 1836, 306:—and for bodily harm, in 1835, 16; and in 1836, 69. He made that statement upon the authority of returns taken from the county books, and published by order of the other House of Parliament. He would not make any further observations on the facts which he had just stated to their Lordships, save they showed, that, in 1836, Ireland was not in that state of tranquillity which had been predicated by Mr. Howley. The tithes, too, of late years, had not been collected by the ancient process of the law, but by an Exchequer process. If the Government should think fit to enforce the payment of them by distraint, what would become of all this boasted tranquillity? Again, if the country were in that state of tranquillity, how came it to pass that twenty-three new stipendiary magistrates had recently been added to the police force of Ireland? It was true, that they increased the patronage of the Minister, but they diminished the revenue of the country by a loss of 12,000*l.* He would not enter into the statement that nineteen out of these twenty-three magistrates had never been in the police before. He must complain of the mischief done in Ireland by the constant employment of pacificators, who were a set of middlemen and bankrupts. He was a private friend of the Earl of Mulgrave, but he had not visited the Castle of Dublin during the later periods of his Lord-lieutenancy. He would not hesitate to declare, that the main reason was that horrid and ferocious speech which a guest of the noble Earl had made at Carlow, in January last, upon the death of the kind and excellent Kavanagh, the undoubted descendant of the ancient kings of Ireland. How did the peasantry of Carlow act after that brutal speech? That man had told them to disgrace the grave of Kavanagh. Had they done so? At the last election, they would not vote for their landlord; but they determined that they would not vote against him. So disgusted were they with that speech, that though they did not vote at the previous election for their landlord, they did vote at the next ensuing election for his successor and heir, Mr. Bunbury. He concluded by repeating, that his reason for not attending the levees at the castle was, that he knew that Mr. O'Connell was received at them.

Lord *Brougham* hoped that his noble Friend, the Lord-lieutenant of Ireland, would not condescend to give any further answer to the speeches which had that evening been made against him, without notice, and upon a subject with which they had no natural connexion. If his noble Friend should not be inclined to follow his advice, then he would warn their Lordships against proceeding further in the course upon which they had recently entered, and which was quite unparalleled in the history of disorder. He had observed, on a former occasion, that of all the places of discussion which he had attended, both within and without the walls of Parliament, the House of Lords was that in which he had seen the greatest irregularity practised. But he thought, that on the present occasion, the House of Lords had exceeded all its former ill-doings, and that it had, if possible, surpassed itself. First of all, they had seen a noble Marquess come forward to explain the reasons why he moved for certain papers relative to the appointment and removal of two individuals from the magistracy. They had seen him rise and make a speech of attack on the noble Earl, founded on every individual act of his administration during his government of two years and a-half in Ireland, including, no doubt, the appointment and removal of those two magistrates, and entering on every topic of abuse, slander, and calumny, which ever had been urged against him since his first arrival in Ireland, entering into all manner of details, raking up every charge, rumour, and report that had ever been advanced against him, every word of which he had no doubt but the noble Marquess perfectly believed. He begged it to be understood, that when he used the words "slander and calumny," he was not applying them to the noble Marquess, but to those who had furnished him with his instructions. He would here remind their Lordships, that the gravest of all the charges preferred against his noble Friend, the Lord-lieutenant of Ireland, was that of releasing from prison an individual who was lying there, ordered for death, under sentence of the judges. That charge was disposed of for ever—for it turned out that all that was done was done at the recommendation of the learned judge who tried the man, and who, on reconsideration, was of opinion that the conviction was wrong, and could not stand. [The Marquess of *Westmeath:* The noble and learned Baron is quite wrong.] He was not wrong, and would quote the words of the noble Marquess himself, to prove that he was right. The noble Marquess, in one of his speeches, had candidly admitted that he was glad to find that he was mistaken, and that no man could rejoice more than he did at finding that the charge was false, and had been satisfactorily rebutted; and yet the noble Marquess, after a speech which would have justified, if true, a vote of censure upon his noble Friend, had concluded,—oh, lame and impotent conclusion!—by simply moving for the production of certain papers! In reply to the noble Marquess, his noble Friend had entered, unprepared as he was for such an attack, into a full and ample, and satisfactory defence of his own conduct. The speech of the noble Earl who followed his noble Friend was, if possible, still more extraordinary than that of the noble Marquess himself. The noble Earl said, "You have answered the speech of the noble Marquess, but you have not answered my speech of March last,"—of which he then produced to their Lordships many full and copious notes.

The Earl of *Roden* had not produced any notes of the speech to which the noble and learned Lord had just alluded.

Lord *Brougham* fancied that he had seen the noble Earl take out of his pocket a small fasciculus of notes, and he imagined that they might be notes of the noble Earl's speech, to which he had formerly listened with great attention. Greatly as he deplored the opinions of the noble Earl, greatly as he doubted their wisdom and propriety, there was no man in existence to whom he would more readily give credit for the honesty with which he both spoke and acted. The charge which the noble Earl had made against his noble Friend, resolved itself into this:—"Why have you not answered my speech of March last? I'll show you what I said last March, and answer that if you can." Now, it really turned out that the bulk of the charges preferred against his noble Friend by the noble Earl, and by the noble Lord who followed him in the debate, had been answered by anticipation in the speech of his noble Friend. Those two noble Lords said, "You have shown us how tranquil the country is at present by specific acts of yours. We will show you what your tranquillity was in the years 1835 and 1836, when you first came into office." To this statement his noble Friend had, by anticipation, given a satisfactory answer, by pointing, not to the state of crime in 1835 and 1836, but to the state of crime in 1837, when tranquillity was re-established throughout Ireland. But, said the noble Earl, twenty-three additional stipendiary magistrates have been appointed, and at a cost of 12,000*l.* per annum; to that he would retort, that it was because his noble Friend had tempered justice with mercy—because he had mingled precaution with lenity—because he had displayed that vigour which fit proclamations and due augmentations of force indicated, that those appointments had been made. Then, again, with regard to the different line of conduct pursued towards Sir Richard Nagle, and that observed towards Colonel Blacker, one of whom had been restored to office after dismissal, and one of whom had not yet been restored, he thought that that case proved nothing; he suggested, therefore, that the House should return to such matters as would show, that there was some connexion between the things on the notice-book and the things noticed in the House. He thought that their Lordships had travelled far enough over this wide field of irregularity, into which his noble and learned Friend might say, that he also had entered, although, as he had not begun it, the offence in him was the less grave.

The Duke of *Wellington* said, that nothing was more painful than the irregularity of such debates; it appeared, however, that the gentleman who had been once removed had been replaced, and so far the charge remained uncontradicted. With reference to the peace of Ireland, he could not but recollect the speech from the Throne in August 1836, when their Lordships had been assured that Ireland was in a state of tranquillity; he could not but think that statements of the noble Earl opposite had been the foundation of that assertion; and yet the state of crime now was double what it had been in 1833. He thought at the time that the statement was erroneous, and in the last discussion he had read the charge of Baron Foster, at the last assizes, to the grand jury of Tipperary, a county, which, if not the worst, at least afforded the measure of crime in Ireland. That learned judge said, that there were 930 persons in confinement since the previous assizes. Considering, therefore, that the last assizes occurred in April, he could not think that Ireland had proved to be tranquil, though he should be glad if returns could show that she had been.

The Marquess of *Lansdowne* would not follow the example of noble Lords opposite, and thereby expose himself to the just censure of his noble and learned

Friend, by bringing in extraneous matters. The noble Duke referred to a speech from the Throne, in which allusion was made to the tranquil state of Ireland. This speech the noble Duke should recollect was founded on documents which were prepared months before the statements referred to by his noble Friend, and the then state of the country completely bore out the declaration in his Majesty's speech. The noble Duke had alluded to the number of persons, according to the statement of Baron Foster, in the county gaol of Tipperary at the period of the spring assizes of the present year; but the noble Duke should have recollected the answer made to him on the former occasion—namely, the great number of persons acquitted at those assizes, and also that the learned judge included the list of the names of persons tried at the sessions. With reference to the present state of Ireland, all the judges agreed as to the state of tranquillity and the steady and continued improvement of the country. That state of improvement had not been produced or promoted by exaggerated statements in wandering and desultory debates in that House, such as they had heard that night, but had resulted from the improved government of the country, and this improvement was manifest to every one from the simple circumstance of the increased value of property in Ireland. This, he was convinced, was one of the surest indications they could possibly have of the improvement in the state of the country, which had resulted from the admirable and steady administration of the Government by his noble Friend near him. When noble Lords opposite referred to particular cases, he begged them to compare the average returns for the last five years, when there was no suspension in the regular state of the law, with the average of the previous five years, when measures of extraordinary severity were continually had recourse to. He hoped by pursuing the same course of good government that he had hitherto done, and he was sure that from nothing that he had heard brought forward would his noble Friend be deterred from pursuing that course—that his noble Friend would have the satisfaction of finding the tranquillity and happiness of Ireland as great as those of any part of the empire.

The Marquess of *Westmeath* in reply, complained that his remarks relative to the Irish representation had been entirely misrepresented. What he considered objectionable in the state of that representation was, that fourteen places returned Members who had not otherwise the slightest connexion with them. He was sure that none of their Lordships would say, that Mr. Raphael, if he had continued the Member for Carlow, would have been the legitimate representative of that county. The county of Meath, too, was represented by one of the O'Connells, who he (the Marquis of Westmeath) would venture to say had not a single acre of land on the earth. This was a species of representation which he considered a mockery, and he thought that the people of Ireland had better have no representation at all than such a one.

Motion agreed to.

MUNICIPAL ACT AMENDMENT.] The Lord Chancellor moved, that the House agree with the Commons' amendments to this Bill.

Lord Wynford opposed the motion.

The Commons' amendments were negatived without a division, and a Committee was appointed to draw up reasons for dissenting from the Commons' amendments.

HOUSE OF COMMONS,

Tuesday, July 11, 1837.

MINUTES.] Bills. Read a second time:—Lords Justices.

Petitions presented. By the ATTORNEY-GENERAL, from Edinburgh, for the immediate and total abolition of Negro Apprenticeship in the Colonies.—By Mr. WALLER, from Poplar, against the New Poor-law. By Colonel JONES, from Armagh, against the system of Education (Ireland).—By Mr. BROTHERTON, from a town in Lancashire, (I1) in favour of a Ten Hours Bill.

HOUSE OF LORDS,

Wednesday, July 12, 1837.

MINUTES.] Bills. Received the Royal assent:—Exchequer Bills (13,623,300*l.*); Malt Duties Regulation; Post-Office Acts Repeal; Post-Office Management (No. 2); Postage Duties; Franking; Post-Office Offences; Common Law Courts; Concealment of Births; Church Notices; Metropolis Police Offices; Military Commissions; Rolls Estate; Administration of Justice (New South Wales); Foreign Officers; Civil Bill Courts (Ireland); Bankrupts (Ireland); Small Debts (Scotland); Creditors (Scotland); Sheriffs (Scotland); East India Officers Salaries.—Read a third time:—Coroners (Durham); Coroners Inquests Expenses; Secular Jurisdiction (York and Ely).—Read a second time:—Cruelty to Animals (Ireland); Masters and Workmen; Consolidated Fund.—Read a first time:—Church Building Commissions.

Petitions presented. By the Bishop of EXETER, from Glasgow, and other places, for a Ten Hours Bill.—By the Duke of BUCCLEUGH, from several places, to maintain the Privileges of the House of Lords.

HOUSE OF COMMONS,

Wednesday, July 12, 1837.

Minutes.] Bills. Read a third time:—Acts of Parliament Reference; Church Building Commissions.

Petitions presented. By Mr. Scholefield, from Birmingham, for Household Suffrage; and by Mr. Phillips, from Rochdale, for the abolition of Church-rates.

The Queen Dowager.] Viscount *Morpeth* appeared at the bar, and stated, that, together with the other hon. Members appointed by the House to present a message of condolence to her Majesty, the Queen Dowager, he had waited on her Majesty, and had been desired to deliver the following gracious answer:—

"Windsor Castle, July 4, 1837.

"Gentlemen—I thank you most gratefully for the message of condolence which you have been charged to deliver to me from the House of Commons on the great affliction I have lately sustained. The unanimous tribute which has been paid by your honourable House to the upright character and patriotic intentions of our late beloved Sovereign, is the most welcome alleviation that could have been offered to my feelings."

Lords Justices.] On the motion for going into Committee on this Bill,

Colonel *Thompson* said, before the Speaker left the chair he must make some observations, which he should have made yesterday, when the Bill was read a second time, if he had not been in another place by the directions of those he was bound to attend to. The tendency of the present Bill, and of the mode in which it was proceeded with, seemed to be to hurry through Parliament the decision of the important question, whether, under the actual circumstances of the country, the acceptance of a foreign throne ought not, in expediency and justice, to form a bar to the succession to the throne of this country? He was perfectly aware, and so were the people behind him, that this was a question the combined Legislature of this country was competent to examine. And he knew, too, that great masses of the people of this country had grown up in the belief that the constitution did not labour under the defect of necessitating or admitting such an evident anomaly. It was known to all that no foreign prince nor potentate could have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and it was far from being wrought into the general admission of the people that he could have temporal either. Whether the people were right either on this question or the general one of expediency, it was not for him to undertake to give an opinion; but he was sure the public feeling would not be consulted, nor concord promoted, by the manner in which this weighty question had been slurred over by being pushed forward in such a manner, and at such a period of the Session.

The Bill went through Committee.

HOUSE OF LORDS,

Thursday, July 13, 1837.

Minutes.] Bills. Read a third time:—Burglary; Punishment of Death; Militia Pay; Militia Ballot Suspension; Slave Treaties; Exchequer; Public Works; Bank of Ireland; Clerks of the Peace; Property (Ireland).

Petitions presented. By Earl Stanhope (44), from persons engaged in Factories, for a Ten Hours Bill; and from occupiers of Lands in various places, against the New Poor-law Acts.

Parliamentary Electors.] Viscount *Duncannon* moved the second reading of the Parliamentary Electors Bill. The object of the Bill was to enable those who were entitled to exercise the franchise under the Reform Bill an opportunity of doing so without paying the rates up to a later period than within six months of the time at which they claimed to vote, the law at present obliging them, as their Lordships were aware, to pay up to the time at which they voted.

Lord *Redesdale* opposed the Bill. They had been told that it was not the intention of Government to bring forward any measure this Session upon which a difference of opinion was likely to arise, and that they would proceed only with such measures then in progress as were required for the public service; and yet their Lordships were now, on the eve of a dissolution of Parliament, called upon to pass a Bill which created a very considerable change in the elective franchise as established by the Reform Bill. He had originally opposed the Reform Bill; but as it was now the law of the land, he would uphold its provisions as far as he could, while he should at the same time most decidedly object to any innovation upon, or change in its principles. He should therefore move that the Bill be read a third time that day three months.

The Marquis of *Westminster* defended the Bill. He had been always of opinion that the Reform Bill, in requiring the taxes to be paid up to the period of voting, was so far objectionable. The present Bill would remedy that evil; and if he did it alone, he would divide the House on the motion of his noble Friend.

Lord *Brougham* thought their Lordships ought to pass the Bill. Experience had proved that a vast number of persons, whom it was intended by the Reform Bill to vest with the elective franchise, were deprived of that advantage by the rate-paying clauses—not from any unwillingness on their part to pay up those taxes, but from a temporary inability to do so. It was not intended by this Bill to break through the principle of the rate-paying clauses of the Reform Bill, but merely to mitigate their severity, and thereby extend the elective franchise.

The Earl of *Harrowby* considered this a main alteration in the Reform Bill, which had been declared by those who had introduced it a final measure, particularly as regarded the franchise. Now this Bill, according to the noble and learned Lord, was for giving an extension of the franchise. The ready payment of taxes was considered as a test by which it might be judged whether persons claiming a right to vote did or did not possess that degree of respectability which persons ought to have who were to be intrusted with the franchise; while this Bill, according to what had been stated by the noble and learned Lord, would confer the franchise on persons who could not stand that test, and were not therefore fully qualified to enjoy the franchise.

Lord *Brougham:* When he spoke of the extension of the elective franchise, it was not in the ordinary sense in which that phrase was used: he had not used it in reference to a class of persons differently qualified. The noble Lord had said the Reform Bill had been introduced as a final measure. There was no such thing. No work of man, legislative or otherwise, was final; and no one would be so absurd, much less those who had introduced that measure, as to say that when passed it was so perfect and absolute in all its parts as to be above the test of all future legislation.

Viscount *Duncannon* begged to observe that this Bill applied only to those who had been once on the registry.

The Earl of *Haddington* said, that the noble and learned Lord had observed that there was no work of man, legislative or otherwise, which could be looked upon as absolutely final; and it would, no doubt, be the height of presumption in that or the other House of Parliament to affirm anything to the contrary; but, subject to that necessary observation and restriction, he was sure their Lordships had heard those who had introduced the Reform Bill say, at least a dozen times, that it was to be a final measure. It had been admitted that by that Bill the franchise was pushed to its greatest extent in order to render the measure final, particularly as regarded that portion of it, and he would therefore oppose any proposition which was at variance with the principles upon which the elective franchise had been so established.

The House divided on the second reading of the Bill:—Contents 55; Not-contents 66: Majority 11.

Bill put off for three months.

New Poor-law.] The Bishop of *Exeter* rose to present petitions from places in Devonshire against the Poor-law Act, and one also from the township of Hull, in Lancashire. It would be in the recollection of their Lordships, that he had on a former occasion adverted to the grievance so generally complained against, that the inmates of the workhouses were not allowed to enjoy the advantage of attending divine worship. He understood that in all cases where there was in the workhouse a sufficiently good room to admit of their assembling in it on Sundays, they were denied the privilege of going out of the house to church. He had received a letter in the early part of the last month from a clergyman resident in one of the midland counties, which, with the permission of the House, he would read. It was as follows:—

"In reply to your Lordship's inquiries on the subject of the spiritual destitution of the inmates of the union workhouse at this place, it is my painful duty to state, that the information you have received is substantially correct. The workhouse has been occupied nine months, no chaplain has been appointed, nor have its inmates been permitted to attend divine service at the parish church, distant about a quarter of a mile. Five or six weeks ago a chaplain was advertised for in the papers, at a salary of 25*l.* per annum, and Tuesday last was the day appointed for considering any applications that might be made; none, however, were received, and I understand that a proposition was then agreed to, that the paupers should be allowed to go to the parish church, under the surveillance of the master. The church service and a sermon have been read each Sunday morning and afternoon by the master, but I know that neither has ever been heard within the walls from the mouth of an authorised minister of the church of England. As servants of that Jesus who went about doing good, we might, indeed, take shame to ourselves, if, as your informant states, 'the paupers had been entirely without religious instruction and consolation.' No, my Lord, this has not been the case; my coadjutor and myself (curates of the parish) have attended upon the sick and dying, and I have made a point of visiting the house at short intervals, and conversing on religious subjects with its occupants."

He had every reason to know that the case mentioned in that letter was far from a solitary instance; he hoped, however, that enough had been said to prevent the guardians of the poor from continuing the practice.

The Earl of *Radnor* expressed a hope that the right rev. Prelate would put the House in possession of the whole of the letter.

The Bishop of *Exeter* expressed his perfect readiness to do so. The right rev. Prelate proceeded to read the remainder of the letter, to the effect that the workhouse was occasionally visited by the clergyman, the writer of the letter, for the purpose of administering religious consolation to the inmates; and that those inmates never exceeded sixty in number, of whom half were children under ten years of age, two-thirds of the adults being either idiots, or bedridden. The right rev. Prelate was proceeding, when

The Earl of *Radnor* observed, that the right rev. Prelate need not trouble himself to read any more. He (Lord Radnor) thought the House would think that they had heard quite enough. In his original statement the right rev. Prelate had laid great stress on the circumstance that divine service had been read to the paupers on Sunday only by the master of the workhouse, but had omitted to say anything of the permission given to clergymen to visit the paupers, and to administer religious consolation to them. Nor had the right rev. Prelate said anything of the number of the inmates of the workhouse. It now appeared that they never exceeded sixty in number; half of whom were children, and that of the remaining thirty, two-thirds were either idiots, or bedridden. It should also be remembered that the right rev. Prelate had not produced this letter until the 12th of July, when there was not sufficient time to obtain satisfactory explanation on the subject.

The Bishop of *Exeter* had no reason whatever for not reading the whole of the letter, except that he did not wish to trespass upon their Lordships' time.

The Earl of *Radnor* disclaimed any intention of throwing out an insinuation against the right rev. Prelate's fairness.

The Duke of *Richmond* observed, that when a noble Lord produced such a letter as that which had been produced by the right rev. Prelate, it was better that he should read the whole of it. At the same time he wholly acquitted the right rev. Prelate of the slightest intention of making an unfair statement. The facts, however, were important. The accusation was, that no clergyman was allowed to attend on the inmates of the workhouse. It now appeared that they had the benefit of religious consolation. For his part he (the Duke of Richmond) was one of those who hoped that every union in the kingdom would have a paid chaplain competent to perform the duty of that union: Nothing could be more desirable. Most unions had such a chaplain. But what had been the practice under the old system? There had been no chaplains; and that the clergymen of the parishes in which the workhouses were situated had refused to visit any of the inmates, except those which belonged to their own parish. He repeated, that in most of the unions there was provision for a chaplain; and that where there was not, the paupers were generally allowed to go out on Sundays. Undoubtedly he should much prefer having a chaplain in the house, and not allowing the paupers to go out, for it appeared to him to be exceedingly important, that to the clergyman who administered religious consolation to the paupers on every other day in the week, they should look up for spiritual instruction on Sunday. The right rev. Prelate had alluded to an assertion of his (the Duke of Richmond's), that if the paupers were allowed to go out of the workhouses on Sundays, instead of going to the churches they would go to the beer-shops.

But the right rev. Prelate should have stated all that he had said on the subject. He had allowed that some of the able-bodied would go to church, and return to the house; but in many parish churches there was hardly room for even the usual congregation; and some of the parish churches were seven or eight miles distant from the workhouse. How could infirm paupers be expected to go there? With respect to the number of the inmates in the workhouse alluded to by the right rev. Prelate, even of the ten adults left, after the deduction of the idiots and bedridden, who could say how many might not be Dissenters? The fact was, therefore, that it was only an assumption that this was a hard case. He regretted to hear a noble Earl so fond of calling these workhouses by the name of gaols. What would the noble Earl say if his servants were to petition that House, complaining of being hardly dealt with by being transported to Germany for two years at a time? Would not the noble Earl say, that their coming into or remaining in his service was their voluntary act?

Petition laid on the table.

HOUSE OF COMMONS,

Thursday, July 13, 1837.

MINUTES.] Bills. Read a third time:—Lords Justices.—Read a first and second time:—Clerks of the Peace; Documents.

STANDING ORDERS.] Mr. *Poulett Thomson* on rising to move the adoption of the new Standing Orders, relative to private Bills prepared and recommended by the Committee which the House had appointed, said he wished it distinctly to be understood, that no material deviation had been made from the orders now in force, except in one point, and to that point he would afterwards call the attention of the House. The new orders had been carefully prepared, and the Committee which the House had appointed had given the subject the most mature consideration. A sub-committee had been appointed by the original Committee, the members of which had devoted a great deal of time to the revision of the old standing orders, and although they had made no alterations in the substance of those orders, they had very materially improved the phraseology, rendering their meaning more plain and perspicuous. The alterations they had made had also been submitted to those Members best acquainted with the mode of conducting the private business of the House, and to every one competent to give a good opinion on the subject. He stated these particulars, because in asking the House to adopt the recommendations of the Committee, he was aware that the House could only agree to his proposition on some competent authority; and he thought they could have no better authority than the recommendation of the sub-committee which had been appointed, and who had carefully and zealously discharged their duty. He would call the attention of the House to the single point in regard to which any material alteration had been made on the old standing orders. That alteration related to railway bills, and in regard to railway bills it was provided that before parties seeking to obtain such Bills should be allowed to proceed, proof should be afforded that a sum either in money, Exchequer-bills, or other Government securities, to the amount of ten per cent. on the capital required for the completion of the undertaking, shall have been subscribed and deposited in the Bank of England, as a security to the House and to the public against speculation, and to show that the undertaking was *bonâ fide* to be carried into execution. This alteration had been recommended by the hon. Member for Bridport (Mr. Warburton), who, as Chairman of the Committee on the Deptford and Dover Railway Subscription List, had strongly impressed on the Standing Orders Committee, the necessity of making such a regulation, in order to guard against fraud. Many hon. Members thought that that was too small a sum; but it had been deemed advisable not to increase it, lest unnecessary obstacles should be thrown in the way of railroad undertakings. Such was the only material alteration which had been made by the Committee in the old standing orders, and from the experience they had had, it could hardly be doubted that such a provision was necessary.

Mr. *Hawes*, having seen the Report for the first time that morning, was hardly prepared to express his opinion upon it, nor did he think that any Member of the House could be in a condition to do so. As far as he could judge from a very imperfect glance of the report, some of the recommendations of the Committee would involve a very serious alteration of the Standing Orders. The right hon. Gentleman had stated that, with one exception, the alterations proposed were not new; but, in fact, it was now proposed to incorporate in those orders, which hereafter were to be the Standing Orders of the House, matter which last year was merely recommendatory. He thought, therefore, that the report should not be adopted until some further time had been allowed for its consideration. He should beg to move that the further consideration of the report be postponed till the next day.

Mr. *T. Duncombe* said, if he understood the hon. Member for Lambeth correctly, he proposed not to postpone the further consideration of the report *sine die*, but only till to-morrow. If the report had only come into the hands of members that morning, it was quite impossible they could have given to it the consideration which its importance demanded. It certainly appeared that some of the proposed alterations were of a very important character, and that portion of the public which had seen them strongly objected to their being adopted by the House without some discussion. He was, therefore, decidedly of opinion that the further consideration of the report ought to be deferred till to-morrow.

Mr. *P. Thomson* said, that at the present period of the Session it would be impossible if the proposed postponement were to be made, that the standing orders could be considered until another Session of Parliament; so that all the labours of the Committee, which had been sitting for months, would be completely lost. And why? His hon. Friend the Member for Lambeth (Mr. Hawes) said that many important alterations had been made. Now, he (Mr. P. Thomson) begged to inform the hon. Member that the report proposed no substantial alterations whatever of the standing orders, with the single exception which he had mentioned and explained.

Mr. *Warburton* had read the report and approved of it. The labours of the Committee had been directed, not to alter the standing orders, but to re-arrange them, to place them in better order, and to improve their phraseology. The only alteration proposed was that with respect to railway subscription lists—an alteration which the gross abuse of the old orders of the House rendered absolutely necessary. Nobody would wish to adhere to the old standing orders. No time, then, should be lost in considering the new.

Mr. *Freshfield* thought there could be no serious difference of opinion upon the report. As to the subscription list, he thought, if nothing else were done, that that at least ought to be adopted. The only complaint he had to make on it was that it did not go far enough, and he had originally proposed that the deposit should be twenty per cent. upon the amount of the capital instead of ten per cent. The proposed regulation would not interfere with any fair or well-founded transaction, but certainly it would interfere with any foul or improper transaction that ought never to have made its appearance before the public; for that reason he should be most anxious to give his support to the proposition.

Amendment withdrawn.

The orders read *seriatim* and agreed to.

ECCLESIASTICAL APPOINTMENTS.] Lord *John Russell* gave notice that he should to-morrow move that the Amendments introduced by the Lords into this Bill be taken into consideration. He could at once state that he intended to move that the House disagree with a clause introduced by their Lordships into the Bill respecting those Gentlemen who had been Speakers of the House of Commons. This clause involved a matter peculiarly belonging to that House, and it was quite impossible for that House to allow that it had committed an injustice which might be implied by the adoption of the clause, and it was also impossible that the House of Lords should be permitted to interfere with the proceedings of that House, and be enabled to say how it should carry into effect its own wishes and intentions. On these grounds he should move that that House disagree with this Amendment of the Lords. The Bill itself only suspended the appointment to ecclesiastical sinecure situations for a-year, by the expiration of which time he hoped that the general measure would pass on the subject. He wished also to add, that as it was too late during the present Session, he should be happy on a future occasion to enter upon the consideration and discussion as to any equitable claims that these reverend gentlemen might have.

Sir *Robert Inglis* denied that the House of Lords had interfered with any of the privileges of that House in adopting this clause. The suggestion involved in the clause was now a matter of history for three preceding Houses of Commons had severally addressed the Crown in favour of their three chaplains, and praying that they should be appointed to offices of dignity in the Church. He should endeavour to show to-morrow that the faith of that House of Parliament and the honour of the Crown were pledged to these individuals, independently of any claims they might have from their services and qualifications to such appointments. The object of the clause was not to compel such appointments, but to enable the Crown, if it should think fit, to appoint these gentlemen.

Notice given.

TRADE WITH FRANCE.] Mr. *Heathcote* stated, that he wished to put a question to the right hon. the President of the Board of Trade with respect to the state of our trade with France. He had been requested by a number of his constituents to ask the right hon. Gentleman whether the Government intended to take any steps to procure an alteration as regarded the trade in wool between the two countries. It appeared that French wool could be introduced into our markets without the payment of any duty, whereas, English wool could not be introduced into France, without the payment of an *ad valorem* duty of twenty-two per cent. This was a manifest injustice to the producers of English wool, and he trusted that the right hon. Gentleman had some information to communicate to the House on the subject.

Mr. *Poulett Thomson* replied, that he had not ceased to press on the French Government the advantage that they would derive from the reduction of the duty on English wool, as well as other duties; but his exertions had not hitherto been attended with the success he could wish. The hon. Gentleman was under a mistake in supposing that there was no duty on the importation of French wool into this country—there was a small duty on that article. The proceeding of this country, however, only showed how much wiser we were than the French, as it enabled us to manufacture woollens at a much cheaper rate than the French. He would only add, that he would continue to exert himself to instruct the French government on this point, so as to induce them to adopt a wiser system of commercial policy.

MUNICIPAL CORPORATIONS (ENGLAND) ACT AMENDMENT BILL.] A conference with the Lords on the subject of the amendments made by the Lords on the amendments of the Commons on the amendments of the Lords in the Corporation Act Amendment Bill was held, when the Lords gave their reasons for maintaining the Bill as re-amended by their Lordships'.

HOUSE OF LORDS,

Friday, July 14, 1837.

MINUTES.] Bills. Read a third time:—Cruelty to Animals (Ireland); Masters and Workmen! Beet-root Sugar; East India Postage; Letters Patent; Municipal Rates; Central Criminal Court; Bills of Exchange.

FORM OF PETITIONS.] The Duke of *Sussex* rose to present a petition from the members of the Society of Friends in Ireland praying the Legislature to withdraw from the criminal code of this country the punishment of death. The petition contained a variety of observations in furtherance of the removal of that stigma from the statute-book, and the petitioners relied particularly upon the good effects which had been already seen, and which experience had witnessed in other countries where the punishment of death had been abolished, as affording strong grounds for the adoption of the same policy in this country. He ought to observe that the petition was not addressed in the usual words, but he believed that petitions from the Quakers, who entertained conscientious scruples on certain points, had been received similarly drawn up. The petition was addressed to the Peers of the United Kingdom, instead of to the Lords Spiritual and Temporal; and instead of the word "humbly" the word "respectfully" was adopted in the prayer of the petition. He trusted that the petition of this numerous, influential, and respectable body would not be rejected on this point of form; and so important did he conceive its contents to be, that he should move that the petition be read at length.

The Earl of *Shaftesbury* was extremely sorry to raise any objection to the reception of the petition just presented by the illustrious Duke, and especially as it emanated from so respectable a portion of the community, but he was bound to say, that in point of form, it could not be received.

The Duke of *Sussex* said, he should certainly withdraw the petition and bow to the decision of the noble Earl opposite, who was so much better acquainted with the forms of the House than himself. He had, however, understood that petitions omitting the words "Lords spiritual and temporal" had before been received.

Lord *Brougham* was extremely sorry that the petition was open to objection, and the more so, because it amounted to neither more nor less than that their Lordships never could receive the petitions of that amiable, and, as it was admitted, respectable body of the community, known as the Society of Friends. The language of their petitions was not adopted from any want of respect to their Lordships' House, but was to be attributed to their conscientious principles, which restrained them from the use of such expressions as the forms of the House required. He (Lord Brougham) put it to the House, whether for the purpose of opening the doors to the petitions of the Quakers, the words "Peers of the United Kingdom" ought not to be considered to include the Lords temporal and spiritual.

Viscount *Beresford* begged to remind the noble and learned Lord opposite (Lord Brougham), and he thought it ought to be publicly known, that by the adoption of the words "Lords of Parliament," instead of "Peers of the United Kingdom," the respectable body who entertained conscientious scruples, as suggested, would not be prevented from approaching this House by petition.

Lord *Brougham* admitted the propriety of the suggestion, and if any doubt existed, he would, when an occasion presented itself, divide the House upon it. The words "Lords of Parliament" were amply sufficient to include Peers, spiritual and temporal.

Petition withdrawn, and conversation dropped.

ECCLESIASTICAL APPOINTMENTS SUSPENSION.] The Lords held a conference with the Commons on the subject of the amendments to the Ecclesiastical Appointments Suspension Bill, and it was reported, that the Commons persisted in disagreeing from clause A of the Amendments of their Lordships, and with the reasons had returned the Bill.

Viscount *Melbourne* said, that he apprehended the only difference of opinion arose upon the clause introduced on the third reading of the Bill by the noble Viscount opposite (Viscount Canterbury), which went to suspend its provisions as to certain clergymen who had served as Chaplains to the House of Commons and in whose favour addresses had been presented to the Crown, and which enabled the Crown to confer upon them dignities in the Church. When the clause objected to now by the Commons was moved by that noble Viscount, he (Viscount Melbourne) had stated the grounds on which he opposed it—namely, that it was a subject with which the Commons ought themselves to have dealt, and he should now, therefore, move that their Lordships do not persist in their amendment, for the reasons stated by the Commons.

Viscount *Canterbury* said, that after the statement made by the noble Viscount on this subject on a former evening, he did not anticipate any success would attend the amendment he had moved, and which the House of Commons had rejected. The strong inducement to move the amendment grew out of the circumstance of his having been Speaker of the House of Commons at the time the services of those gentlemen had been afforded, and when the Addresses in their favour had been agreed to, and the answers from the Sovereign returned. He had therefore, felt himself bound to bring the matter under the consideration of their Lordships; and his only object now was to correct any supposition that he had interfered with the strict province of the House of Commons. All he had felt was, that in the Bill sent up, without any desire to delay or interfere with the intentions of the Ecclesiastical Commissioners, it was but justice to reserve to her Majesty the right, under the advice of the noble Viscount at the head of the Government, to confer the dignities promised by the late Sovereign. Having made this explanation, he trusted he had exonerated himself from any improper interference with the rights and privileges of the House of Commons; and he begged to state, that he should now be the last man in the world to obstruct the further passage of this Bill.

The Commons amendments agreed to,

REFORM OF THE CRIMINAL LAW.] On the motion of Lord Denman, the Forgery Bill, the Robbery and Stealing from the person Bill, Offences against the Person Bill, Burglary Bill, Burning and Destroying Bill, Transportation for Life Bill, and Piracy Bill were read a third time with amendments.

Lord *Brougham* said, that before these Bills left their Lordships' House, he wished once more to remind their Lordships that it was only in consideration of the advanced period of the Session that it had been thought expedient to allow partial measures, such as these were, to pass at present, instead of waiting until the whole change which it was so desirable to make in the Criminal Law of the country could be conveniently made. It was under that circumstance only, that he could have brought his mind to agree to such restricted measures for the improvement of the Criminal Law as those that had just passed their Lordships' House. He had on a former occasion stated his desire to see the principle of these Bills extended to all offences, with the exception of murder, entertaining doubts whether capital punishment ought to be retained even for that. Nothing had given him greater satisfaction than to find that his noble and learned Friend on the opposite bench had come to nearly a similar conclusion, and he therefore entertained the hope that this salutary change in the Criminal Law would take place before long. Important alterations had been made in the details, though none in the principle, of these Bills. The extreme hurry with which they had been passed was greatly to be regretted, as certain oversights had occurred in consequence; but it was to be hoped, after the great pains that had been bestowed upon these Bills by several noble Lords, that such oversights would be few and immaterial. He would add, that he did not conceive there was any blame whatever to be attached to the framers of these Bills on the ground of the inconsistency which had been pointed out almost irresistibly a few evenings ago by his noble and learned Friend. There were inconsistencies, no doubt, between them and the existing law, but amongst themselves, taken singly or as a whole, they did not contain any discrepancy which could be said to be discreditable to those who had framed them.

Lord *Lyndhurst* begged to state, that when he made the observation alluded to, he was not aware of the correspondence which had passed between the Commissioners and the noble Lord the Secretary of State for the Home Department, from which it appeared that the Commissioners had at that time pointed out the inconsistencies to which he had adverted.

Lord *Denman* expressed his gratification at the pains that had been taken with these Bills by several noble Lords, and the manner in which they had been received generally. The difficulty, as regarded the time for their consideration, would, however, have been less, had not his noble and learned Friend (Lyndhurst) been anxious to extend them further than in the first instance, it was thought right to do. There might be inconsistencies between them and the law as it existed at present, but it was nothing as compared with the monstrous incongruity of the present law, under which were convicted of capital offences twenty times the number of persons it was intended should suffer capital punishment. He had, however, to thank the noble and learned Lord opposite and his noble Friend near him for the present improved condition of these Bills.

Lord *Lyndhurst* observed, that they were now, since they had been stripped of the inconsistencies and anomalies which he had pointed out, extremely valuable measures.

The *Lord Chancellor* said, that the Government had been placed in the dilemma of being obliged to pursue one of two courses—either to allow the law to remain as it was, or to pass Bills which should of necessity contain, to a certain degree, incongruities, and of which he was fully aware when the Bills came before their Lordships' House.

Bills passed.

* * *

HOUSE OF COMMONS,

Friday, July 14, 1837.

MINUTES.] Petition presented. By Sir W. MOLESWORTH, from Cambridge, for University Reform.—By Sir ROBERT INGLIS, from certain Clergymen, for the repeal of the Catholic Emancipation Act.

ECCLESIASTICAL APPOINTMENTS—LORDS' AMENDMENTS.] The Order of the Day having been read for the consideration of the Lords' amendments to the Ecclesiastical Appointments Suspension Bill,

Lord *John Russell* said, he could only

repeat what he had stated yesterday,—namely, that he disagreed with the clause which had been inserted by the Lords, in regard to the provision of certain appointments for the chaplains of the House, simply on the ground that he thought a provision for the officers was a matter exclusively for the consideration of the Commons, and one with which the House of Lords had no right to interfere. The clause which had been inserted, took the matter entirely out of the hands of the Commons, and implied that the House had been guilty of injustice in not conferring some mark of favour on the three chaplains to which the clause had reference. That was an interference with the privileges of the House which he considered highly improper, and to which he would not submit. The hon. Member for the University of Oxford said, "Accept the clause, and leave the Crown to act upon it or not, as might be deemed proper;" but he did not think that was a fair mode of dealing with the question, and he preferred at once disagreeing with the amendment. With respect to the general question, whether the three rev. Gentlemen ought or ought not to have certain appointments conferred upon them, he should not at present discuss that point; but as the Bill was only suspensory for one year, he would, when the matter was again brought before the House, re-consider his opinion, and give their claims every attention in his power. He did not object to the clause, but only to its insertion by the Lords. The noble Lord concluded by moving, "That the House disagree with this amendment of the Lords."

Sir *R. Inglis* agreed with the amendment, as he thought the honour of the House, as well as the honour of the Crown, were pledged to what the noble Lord (John Russell) called a favour, but what he considered an act of justice. In 1832, an Address had been sent from that House to his late Majesty, praying that his Majesty would be pleased to confer on the three Rev. Gentlemen some preferments in the Church as a recompense for their services as chaplains of that House. To that Address, Lord Althorp had brought down a message from the Crown, stating that his Majesty would comply with the prayer of the Commons; but since that time no ecclesiastical appointment had been conferred on either of the rev. Gentlemen. These, then, were the grounds on which he would support the clause. The House had requested the Crown to confer on their chaplains appointments in the Church, the Crown had consented to comply with their solicitation, and further, he was sure that there was not one Member in the House at the time when that compliance was communicated, who would have considered himself justified in opposing any plan for compensating these officers of the House. The only point, however, was, whether the motion for compensation ought to have originated with that House or with the House of Lords? Now, in his opinion, the insertion of the clause could not be considered as an improper interference on the part of the House of Lords; for their Lordships had only enabled her Majesty to do what the Commons had solicited, and what the Crown had consented to perform; and he would not, therefore, on the authority of any one he saw opposite, deem that the Lords had, in this matter, interfered improperly with the privileges of the Commons. It was no compromise of their dignity to do an act of justice, and the present could only be considered as a matter of right, and not of favour.

Mr. *Hume* was surprised at the speech of the hon. Member for the University of Oxford, considering the manner in which he generally stood forward in defence of the privileges of the House. In his opinion, the House would do wrong to agree to the amendments of the Lords; but he allowed, that the rev. Gentlemen had a claim to some preferment, and he should be glad to see the House take the matter into its consideration.

Mr. *Estcourt* fully agreed with what had fallen from his hon. Colleague (Sir R. Inglis), as he considered the claim of the rev. Gentlemen upon the House and upon the Crown, to be of so strong a nature, as to amount almost to the force of a vested right. It should be remembered, that if the clause were rejected, the Crown would be prevented from doing what more than one House of Commons had requested to be done; and, under these circumstances, he should vote for the retention of the clause.

The House divided:—Ayes 47; Noes 11: Majority 36.

List of the Ayes.

Adam, Sir C.
Alston, R.
Anson, hon. Colonel
Attwood, T.

Bannerman, A.
Barclay, D.
Bowes, J.
Brotherton, J.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Captain
Colborne, N. W. R.
Dennistoun, J.
Dillwyn, L. W.
Ellice, right hon. E.
Fergus, John
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir And. Leith
Hector, C. J.
Hoskins, K.
Howick, Viscount
Hume, J.
Lambton, Hedworth
Lushington, C.
Lynch, A. H.
O'Ferrall, R. M.
Ord, W.
Pechell, Captain
Philips, M.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord John
Scholefield, J.
Seymour, Lord
Smith, B.
Stanley, E. J.
Strutt, E.
Thomson, rt. hn. C. P.
Thompson, Mr. Ald.
Thompson, Colonel
Wakley, T.
Warburton, H.
Wilks, J.
Young, G. F.

TELLERS.
Wood, Charles
Labouchere, H.

List of the NOES.

Alsager, Captain
Bonham, R. F.
Borthwick, Peter
Callaghan, D.
Duncombe, T.
Egerton, Sir P.
Elley, Sir J.
Gladstone, W. E.
Herries, rt. hon. J. C.
Patten, J. W.
Williams, R.

TELLERS.
Inglis, Sir R.
Estcourt, T.

The other amendments of the Lords were agreed to.

RUSSIA.] Mr. *T. Attwood* rose to put some questions to her Majesty's Government respecting the conduct of Russia towards this Government. He wished the noble Lord who was at the head of the Foreign Department had been present; but, as he was not, he trusted that the noble Home Secretary, or some other Member of her Majesty's Government, would answer his questions, which were:—1. Is it the final determination of her Majesty's Government to submit to the violations of the treaty of Vienna by Russia, in respect of Poland and of Cracow? 2. Is it their determination to allow Russia to receive Circassia as a gift from Turkey, under the treaty of Adrianople, Russia having previously contracted with England to receive "no separate advantage" from Turkey, in the war which terminated in that treaty? 3. Is it their determination to allow Russia to hold possession of the Delta of the Danube, in defiance of the above contract with England? Supposing the above contract on the part of Russia to be waived, is it their determination to allow Russia to receive a gift from Turkey, which Turkey had no right to give, Turkey never having possessed acknowledged dominion over Circassia? [*Laughter.*] He could not see what it was that hon. Gentlemen were laughing at. The fifth question was, "Is it their determination to allow Russia to conquer, or possibly exterminate, the Circassians, and thus to get possession of a country which would give her unlimited influence and ultimate dominion over Turkey and Persia, and all the countries of the east? Is it their final determination to submit to the gross and insufferable arrogance of Russia in the affair of the Vixen? Is it their final determination to submit to the treaty of Unkiar Skelessi, which in case of war between England and Russia, closes the Dardanelles at the mandate of Russia, and thus, on the one hand, prevents England from attacking Russia on her weak point; and, on the other, delivers up the allies and friends of England, an unresisting prey, to consolidate and increase the power of the barbarians of the north?" [*Laughter.*] There was nothing in the question to be laughed at. The eighth question was, "Is it true that the Russians have now upwards of twenty line of battle ships nearly ready for sea at Cronstadt, within a fortnight's sail of the mouth of the Thames? Is it true that England cannot now produce, within a fortnight, twenty line of battle ships ready for sea at the mouth of the Thames?" He should not trouble the House with many remarks. [Cries of "*Put your questions.*"] He wished to say only a few words.

The *Speaker* said, he had already told the hon. Member what was the rule of the House, and it was now entirely with the House to decide whether they would hear the hon. Member or not.

Mr. *T. Attwood* thought the House, by their smiles and their cheers, had given him their gentle permission to go on. If the noble Lord wished to pass through the country with flying colours, let him give a full and explicit answer to all these questions. Let the House be told what was to be done with Russia.

Lord *J. Russell* really thought that these were questions, if asked at all, might have been asked at an earlier period of the Session. One of them, that relating to the treaty of Unkiar Skelessi, might have been asked two or three years ago. Upon particular points or questions relating to the general policy of the country, the Secretary for Foreign Affairs was always ready to give an explanation; but he did not think it possible to answer these questions then in a regular form, because they were questions not relating to facts merely, but leading to arguments. His noble Friend, the Foreign Secretary, would be in his place to-morrow, to answer any questions that might be put.

Mr. *T. Attwood* hoped the Secretary to the Admiralty would answer the question respecting the Russian fleet in the Baltic.

Mr. *C. Wood* said, he believed that Russia had a considerable force in the Baltic, and, generally speaking, they were ready to be put to sea. It was not usual to answer questions as to the disposition of the naval force of this country; but this he would say, that whenever and by whatever power this country might be attacked, there was always a sufficient force in England to resist the attack wheresoever and whensoever that attack might be made.

Subject dropped.

HOUSE OF LORDS,

Saturday, July 15, 1837.

MINUTES. Bills. Received the Royal assent:—Lords Justices; Exchequer Bills (Public Works); Assessed Taxes; Militia Pay; Militia Ballot Suspension; Ecclesiastical Appointments Suspension; Tithes Commutation; Attorneys and Solicitors; Sheriffs' Fees; Coroners Inquests Expenses; Coroners (Durham); Beet-root Sugar; References to Acts Mistakes; Masters and Workmen; Lands and Buildings Conveyance; Secular Jurisdiction (York and Ely); Slave Treaties; Haileybury College; Tithe Advances (Ireland); Bank of Ireland; Treasurers of Counties (Ireland); Cruelty to Animals (Ireland); Court of Exchequer (Scotland).—Read a third time:—Corporate Property; Church Building Commission; Consolidated Fund.

Petitions Presented. By Lord BROUGHAM, from Protestant Dissenters of Lewisham, Foots Cray, and South Shields, for the abolition of Church-rates; and from Montrose, Annan, and Dumfries, for Municipal Reform for Ireland; and by the Earl of STANHOPE, from the Rev. Mr. Maberly and others, for the repeal of the New Poor-law.

PUBLIC AND PRIVATE BUSINESS OF THE HOUSE.] Lord *Brougham* said, that before their Lordships separated he wished to observe that the Committee which, on his motion, had been appointed to take into consideration the state of public and private business in that House had found it necessary to confine their inquiries, and to report on only one branch of the investigation, namely, the private business. Not that the Committee had not entertained the intention of inquiring into the state of the public business, and into the mode in which that state might be improved; but, in consequence of the sudden termination of the Session, it had been felt indispensable to proceed no further than with the one portion of the inquiry on which they had already reported. He hoped that early in the next Session their Lordships would re-appoint the Committee, and he had no doubt that an improvement in the conduct of the public business might be effected equal to that respecting the private business, which had already been suggested by the Committee, and which had been introduced into the standing orders. He would take the opportunity of saying, the Committee of the other House of Parliament on the same subject having reported, and that report having been adopted by the House, that he did not find in that report any regulations respecting the private business of the House of Commons at all parallel to those which had been adopted by their Lordships, respecting the private business of the House of Lords. No doubt the wisdom of the Committee of the House of Commons prompted them not to introduce such regulations into their report; or perhaps they thought it proper to wait for the more ample opportunity which the next Session might afford them. But of this he was certain, that great as was the improvement which had been made in the conduct of the private business in their Lordships' House, it was by no means adequate to the necessity of the case in the other House of Parliament.

POOR-LAW AMENDMENT ACT.] Earl *Stanhope* presented a great number of petitions, purporting to be from agricultural labourers of the counties of Cambridge, Huntingdon, and Suffolk, all praying for the repeal of the Poor-law Amendment Act. The whole of these petitions, however, were signed by a rev. gentleman who acted as chairman at the different meetings.

The Earl of *Radnor* rose to order. It appeared that all these petitions were signed by the same person, and were merely copies of each other, being worded precisely alike. By presenting such petitions the noble Earl was making a joke of the proceedings of their Lordships' House. They could only be received as the petitions of the rev. Mr. Maberly who had signed them.

The Bishop of *Norwich*, stated that the rev. gentleman whose name was appended to all these petitions was resident within his diocese, and he was given to understand from his curate that he refused to pay him his small stipend. Now, he must say, that this was not the man who ought to stand up to excite a feeling against the law of his country.

Earl *Stanhope* would ask whether the right rev. Prelate meant to say, that Mr. Maberly excited the people to a disobedience of the law; or that, because he was a clergyman, he had no right to an opinion?

The Bishop of *Hereford* said, when a clergyman thought proper to put his single name to a dozen petitions against that which was the law of the land, his conduct could not be approved of. Mr. Maberly had gone round to different villages collecting persons with a view to excite them against the Poor-law Act. Their signatures were not appended to the petitions, but his own merely. And this person who made himself so conspicuous—this person who came forward as the defender of the poor—was driving his curate into a state of poverty, which might oblige him to seek refuge in this law for the comforts of life. He thought the right rev. Prelate was bound by every right feeling to come forward and say this is the gentleman who comes forward against a salutary and wholesome law.

The Duke of *Richmond* expressed his disapprobation of the conduct of a clergyman who went about the country, he would not say purposely, but it was very like it, to cause agitation. In the petition the individual in question seemed to wish to inculcate charity to all men, yet what words did he use himself towards others? He said, "These unfeeling Commissioners —as unfeeling as the Secretary of State— imprisoning the poor, and allowing them scarcely a breath of air or the light of heaven." If the petitioner showed his charity thus, he might not see the light of heaven himself.

Petitions laid on the Table.

HOUSE OF COMMONS,

Saturday, July 15, 1837.

MINUTES. Bills. Read a third time:—Clerks of the Peace; Documents.

CRIMINAL LAWS.] Lord *J. Russell* moved that the Lords' amendments to the offences against the Person Bill be taken into consideration. The noble Lord said, that without expressing an opinion that the amendments of the Lords on the different criminal law Bills were improvements in those Bills, he proposed generally to agree to the amendments, as it was of the greatest importance that those Bills should pass during the present Session. Had those Bills been of less pressing importance, and had the Session not been so near its termination, it would have been desirable that the House should have considered more maturely than could then be done the various alterations which had been made. With respect to these Bills, the term of imprisonment had been changed from five years to three years; and with regard to solitary confinement, the clauses had been altered so as to limit that description of punishment to a month at any one time, and so as not to exceed three months in any one year. He did not say that he objected to these alterations, and he only doubted whether they did not interfere with the operation of an act which had been passed some time ago. There was another amendment which he thought was an improvement, as it took away the capital punishment for offences against the Riot Act. As it had long been his wish to effect that alteration in the criminal law, he proposed that the House should agree with the amendment of the Lords, although he doubted whether the subject had not better have been considered when a measure relating to the law of treason was brought before the House. However, as the object had been effected by the Lords in the present Bills, he should not object to it. Upon the whole, in regard to these Bills he rejoiced to find that the Lords had assimilated their views more nearly to those of that House in regard to reforms in the criminal laws of the country; and none of the alterations which had been made by their lordships were of such a nature, when the importance of passing the bills was considered, as to induce him to call upon the House to reject them.

The Lord's Amendments to the different criminal law bills were then severally agreed to.

MUNICIPAL CORPORATIONS ACT AMENDMENT.] On the Order of the Day having been read for the consideration of the Lords' Amendments to the Municipal Corporations Bill,

Lord *John Russell* said, this was a Bill which had been under the consideration of Parliament for a length of time, and one to which the attention of the Lords in the present Session had long been directed. The Bill was sent up to their lordships on the 27th of February, and it was not returned till the 1st of June. Such a proceeding did not give any great promise, that had a number of Bills been sent up at an earlier period of the Session from that House, they would have been returned within a more reasonable period than the present had been. When this Bill was last under consideration, he had stated that there was only one point in regard to which their lordships differed with the Commons. That point related to the election of presiding councillors at borough elections, and although he still held his former opinion on the subject, the other portions of the Bill were of so much importance, that he would not carry his opposition further to the amendments of the Lords on that particular point. If the Bill did not pass in the present Session, the towns of Sunderland and Ipswich would be placed in a situation of the greatest difficulty, and under these circumstances he would move, that the House do not insist on rejecting the amendments of the Lords.

Mr. *Hawkins* could not consent to such a motion, for were the clause, as amended by the Lords, to pass, Newport and Rochester would be most injuriously affected by its operation. The Bill might be of advantage to Ipswich and Sunderland, but it would be productive of the worst consequences as regarded Newport and Rochester, and, as the representative of one of those places, he could not consent that the amendments should stand part of the Bill. He was surprised that the noble Lord (John Russell) should consent to the Clause as it now stood, and he was amazed that some other person, instead of that noble Lord whose son was now a candidate for Rochester, should not have been found to propose those amendments in the other House of Parliament. He thought respect for public opinion might have prevented Lord Wynford from coming forward on the subject; and, as the representative of Newport, he (Mr. Hawkins) considered himself bound to protest against the amendment, and to oppose it by every means in his power.

The *Attorney-General* said, the case was not Newport and Rochester against Ipswich and Sunderland, but Newport and Rochester against all England; for, although Ipswich and Sunderland would, from the peculiar situation in which they were placed by the Municipal Reform Act, derive great advantages from the Bill, yet the advantages were not confined to those two towns but would extend to almost every borough of England. He regretted the way in which the Bill had been treated by the Lords, but on the balance of evils he preferred taking the Bill as it stood to rejecting it altogether.

Alderman *Thompson* hoped the hon. Member for Newport, would not press his opposition to a division. If the Bill did not pass, Sunderland would be put to great inconvenience and expense, and it was to be feared, that the greatest confusion would ensue.

Mr. *Estcourt* would not enter at all into the merits of the Bill, but seeing no other Friend then present of the noble Lord whose name had been so unnecessarily introduced into the debate, he rose, however incompetent for the task, to answer the charge which had been made and to vindicate the conduct of that noble Lord. No Friend of that noble Lord was present, no notice had been given of the charge which had been brought against him, and under these circumstances he (Mr. Estcourt) thought he had a just right to complain that Lord Wynford's name had been introduced in the manner it had been by the hon. Member for Newport. Had any intimation of such a charge been given to the noble Lord, he had no doubt that some Friend of his Lordship would have been present to defend him, and that the noble Lord would have been able to give the most satisfactory reasons for the course he had pursued. But that intimation had not been given, and there was no Friend of the noble Lord present who was acquainted with his Lordship's reasons for acting as he had done and it was not therefore fair or just that a charge should have been brought against the noble Lord in a place where he could not have an opportunity of replying, and while no Friend was present capable of explaining the reasons of his adoption of the course which he had pursued in regard to this Bill, and of vindicating his character from the charge which had been brought against him. It was also an unusual course to introduce the names of individual Members of the other House in debates in that House in the way in which the name of Lord Wynford had been introduced in the present discussion. He was not aware of that noble Lord's reasons for proposing the amendement which had been introduced; but this he would say, that if the noble Lord had thought the alteration unjust, improper, or such as was unfit for the Legislature to adopt, it never would have been proposed by him, for there was no man more incapable of doing what was not strictly honourable and strictly upright than Lord Wynford.

Mr. *D. Barclay* then said, that he thought nothing could have been more fair than the proposition sent up by that House to the Lords in regard to the Bill then under consideration. He could not approve of the amendment which had been sent down, but upon the whole he considered the noble Lord (John Russell) justified in the motion he had submitted to the House.

Lords' Amendments agreed to.

HOUSE OF LORDS,

Monday, July 17, 1837.

PROROGATION.] Her Majesty went in State to the House of Peers to prorogue the Parliament, and though out of the line of our duty, we may record that her Majesty's youth and sex invested the scene with extraordinary interest. Her Majesty having taken her seat on the Throne the Commons were summoned to the bar of the House of Lords.

The *Speaker* addressed her Majesty to the following effect:—

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's faithful Commons, attend you on this the first occasion since your Majesty's accession to the Throne of this United Kingdom. We assure your Majesty that we cordially participate in that strong and universal feeling of dutiful and affectionate attachment to your Majesty's person which prevails among a free and loyal people, whose representatives we are; and we trust that this feeling will be strengthened and confirmed by a long course of constitutional, beneficent, and wise Government. Several measures, and one of them especially of the very greatest difficulty and importance, were recommended to our serious and deliberate consideration in the gracious Speech which was delivered by the Lords Commissioners on the part of his late Majesty at the opening of the present Session of Parliament. Circumstances have made it impossible that these measures should be perfected in the course of the present Session; but we cherish the hope that the care and deliberation which have been so earnestly bestowed upon them will not have been in vain, and will lead to their being hereafter matured and carried into effect with general concurrence, and with a sure prospect of promoting the welfare and happiness of the people. We have passed an Act establishing simple and definite rules for the execution of wills. This measure, we confidently expect, will be found to be most beneficial, and will be received with satisfaction, because it tends to promote concord and happiness among a large portion of the community, by giving certainty and security to the transmission of property. The mitigation of the severity of the criminal law has engaged our most serious attention, and we have materially diminished the number of cases in which capital punishment is to be inflicted. In framing these measures we have proceeded with the benefit of experience which has shown that those punishments alone are effectual which carry with them a large portion of public sympathy and feeling, and we cordially rejoice that we have so far been able to give effect to those wise and humane principles of criminal legislation which have been generally diffused and approved. We entertain a confident hope that our efforts to mitigate the severity of the law will this day be sanctioned by your Majesty's approbation, and hereafter by the judgment of an enlightened and grateful people. We have provided for the expenditure of the year with a strict regard to economy, but with a liberality which we hope will secure the efficiency of the public service, and enable your Majesty to sustain the interests and honour of the country. We now dutifully offer to your Majesty "An Act to apply the sum of 5,220,000*l.* out of the Consolidated Fund to the service of the year 1837, and to appropriate the supplies granted in this Session of Parliament." To which we pray your Majesty to give your royal assent.

The royal assent was then given by the clerks in the usual form to the following Bills:—

The Consolidated Fund Bill, with the Appropriation Clause; Central Criminal Court Bill; Burglary Bill; Transportation for Life Bill; Punishment of Death Abolition Bill; Offences against the

Person Bill; Robbery and Stealing from the Person Bill; East India Postages Bill; Forgery Bill; Piracy Bill; Bills of Exchange Bill; Burning and Destroying Buildings Bill; Letters Patent Bill; Municipal Rates Bill; Municipal Corporations (England) Bill; Clerks of the Peace (Custody of Document) Bill; Church Building Commission Bill; Trading Companies Immunities Bill; Corporate Property Protection (Ireland) Bill; Grand Juries (Ireland) Bill; Blackwall Commercial Railway Bill; Adams's Estate Bill.

Her MAJESTY then read in a clear and unfaltering tone, the following most gracious speech:—

"MY LORDS AND GENTLEMEN,

"I have been anxious to seize the first opportunity of meeting you, in order that I might repeat in person my cordial thanks for your condolence upon the death of his late Majesty, and for the expressions of attachment and affection with which you congratulated me upon my accession to the Throne. I am very desirous of renewing the assurance of my determination to maintain the Protestant religion, as established by law; to secure to all the free exercise of the rights of conscience; to protect the liberties and to promote the welfare of all classes of the community.

"I rejoice that, in ascending the Throne, I find the country in amity with all foreign powers; and while I faithfully perform the engagements of the Crown, and carefully watch over the interests of my subjects, it shall be the constant object of my solicitude to maintain the blessings of peace.

"GENTLEMEN OF THE HOUSE OF COMMONS,

"I thank you for the liberal supplies which you have granted for the public service of the year, as well as for the provision which you have made to meet the payments usually chargeable upon the civil list.

"I will give directions that the public expenditure, in all its branches, be administered with the strictest economy.

"MY LORDS AND GENTLEMEN,

"In taking leave of this Parliament I return you my thanks for the zeal and assiduity with which you have applied yourselves to the public business of the country.

"Although your labours have been unexpectedly interrupted by the melancholy event which has taken place, I trust that they will have the beneficial effect of advancing the progress of legislation in a new Parliament. I perceive with satisfaction that you have brought to maturity some useful measures, amongst which I regard with peculiar interest the amendment of the criminal code, and the reduction of the number of capital punishments. I hail this mitigation of the severity of the law as an auspicious commencement of my reign.

"I ascend the throne with a deep sense of the responsibility which is imposed upon me; but I am supported by the consciousness of my own right intentions, and by my dependence upon the protection of Almighty God. It will be my care to strengthen our institutions, civil and ecclesiastical, by discreet improvement wherever improvement is required, and to do all in my power to compose and allay animosity and discord.

"Acting upon these principles, I shall upon all occasions look with confidence to the wisdom of Parliament and the affections of my people, which form the true support of the dignity of the Crown, and insure the stability of the constitution."

The *Lord Chancellor* then said: It is her Majesty's royal will and pleasure that this Parliament be prorogued to Thursday, the 10th day of August next; and this Parliament is accordingly prorogued to Thursday, the 10th day of August next.

Immediately after this announcement her Majesty descended the throne, and quitted the House and the Peers retired.

HOUSE OF COMMONS,

Monday, July 17, 1837.

KING OF HANOVER.] Colonel *Thompson,* seeing a Member of her Majesty's Goverment in the House, would ask the question of which he had given notice yesterday, namely, whether her Majesty's Ministers view as authentic the proclamation purporting to be issued by the King of Hanover on the 5th day of this present month of July, in which he declaren he did not consider the Constitutiod agreed to by his predecessors, George 4th and William 4th, as binding on him either in form or in substance, and intimated his intention of reverting to the old Constitution without consulting the States-General?

Mr. *Poulett Thomson* could give no answer to the question. It was rather a question for the States of Hanover to consider.

Colonel *Thompson.*: Then, Sir, at an early period of the next Session of Parliament, I shall move for leave to bring in a Bill to declare that in the existing circumstances of the Crown, no foreign prince or potentate ought to have any jurisdiction, power, superiority, pre-eminence, authority, or succession, within this realm' orany of the Queen's dominions; and to vest the succession, in the event of the demise of her Majesty, in Prince George of Cambridge, and his heirs.

Bills of Exchange.] Mr. *Warburton* said, that seeing his hon. Friend (Mr. Pattison), at present one of the Members for the city of London, and who he hoped would continue to be so, in his place, he wished to ask him whether the Bill which had been brought in respecting the clause inserted in the charter of the Bank of England for discounting bills of exchange at three months, at a higher rate of interest than five per cent., and which went to extend that period to twelve months, met with his approbation, and with the approbation of his colleagues in the directory of the Bank of England?

Mr. *Pattison* was understood to say, that when he joined in bringing in the Bill to which his hon. Friend had referred at the commencement of the Session, he did so because he approved of the principle of the Bill, and because he had previously conferred with his colleagues—the directors of the Bank—on the subject, whose approbation he also believed had been unanimously given to that principle. He had always wished the clause in the charter to extend to bills for twelvemonths, instead of three. But the reason he had withdrawn from the management of the Bill this Session was, that at the time it was introduced he was the governor of the Bank of England, and he felt that it was better that he should not take a prominent part in the measure.

Mr. *G. F. Young* observed, that it was no doubt true that the hon. Member for the city of London had given his concurrence to the extension of the period of three months to twelve; but the statement that that extension of time had met with the concurrence of his colleagues, the directors of the Bank, was in contradiction to what was averred by an hon. Member on Saturday last, who expressly declared that as an individual director of the Bank the extension of the period to twelve months had not his individual concurrence.

Mr. *Warburton* begged to observe, that the statement made on Saturday was, that the Bank directors approved of the period of six months, and of that term only; therefore he was glad to have elicited from his hon. Friend the expression of his approbation of the term being extended to twelve mont s.

Prorogation.] The Commons were summoned to attend her Majesty in the House of Peers.

The Speaker and the Members present immediately proceeded, in obedience to this summons to the House of Lords.

After the lapse of some time the Speaker returned, and taking his seat at the table of the House, read her Majesty's Speech for the prorogation of the present Parliament, after which the Members retired.

Parliament was dissolved by proclamation on the same evening, and a new one summoned, which was finally ordered to assemble on November 15th.

TABLE OF THE STATUTES.

A

TABLE

OF

All the STATUTES passed in the THIRD SESSION of the TWELFTH PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN and IRELAND.

7° *GUL.* IV. & 1° *VICT.*

PUBLIC GENERAL ACTS.

7° GUL. IV.

CAP.

I. AN Act to suspend for a limited Tim the Operation of Two Acts passed in the last Session of Parliament, for registering Births, Deaths, and Marriages in *England*, and for Marriages in *England*.

II. An Act to amend an Act passed in the Seventh Year of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*.

III. An Act for transferring to the Commissioners of the Admiralty all Contracts, Bonds, and other Securities entered into with the Postmaster General in relation to the Packet Service.

IV. An Act to continue, until the First Day of *July* One thousand eight hundred and thirty-seven, the Powers of the Commissioners for inquiring concerning Charities in *England* and *Wales*.

V. An Act for amending an Act of His late Majesty, for restricting the Punishment of Leasing-making, Sedition, and Blasphemy, in *Scotland*.

VI. An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and thirty-seven.

VII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VIII. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore.

IX. An Act to amend several Acts relating to the Royal Mint.

X. An Act to alter, amend, and continue for a certain Period, an Act for repealing certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof.

XI. An Act to apply the Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-seven.

XII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One Thousand eight hundred and thirty-eight; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

XIII. An Act to amend the Acts for regulating the General Penitentiary at *Millbank*.

XIV. An Act to explain and amend Two Acts relating to Trial by Jury in *Scotland*.

XV. An Act to discharge His Majesty's Manor and Demesne Lands at *Newark* in the County of *Nottingham* from any Costs of rebuilding or repairing *Trent* and *Markham* Bridges, and to charge the same on the other Hereditary Revenues of the Crown.

XVI. An Act for raising the Sum of

Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-seven.

XVII. An Act for carrying to the Consolidated Fund certain Monies paid into the Exchequer, and usually applied as a Part of the annual Aids and Supplies; and for cancelling Stock transferred to the Commissioners for the Reduction of the National Debt on account of the Redemption of Land Tax.

1° VICT.

XVIII. An Act for continuing until the First Day of *June* One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the several Acts for regulating the Turnpike Roads in *Great Britain*, which will expire with the present or with the next Session of Parliament.

XIX. An Act to empower the Recorder or other Person presiding in Quarter Sessions in Corporate Cities and Towns, and Justices of the Peace for Counties, Ridings, or Divisions, to divide their respective Courts in certain Cases.

XX. An Act for transferring and vesting the Royal Military Canal, Roads, Towing Paths, and the Ramparts and other Works belonging thereto, and all Estates and Property taken and occupied for the same, in the Counties of *Kent* and *Sussex*, and also the Rates and Tolls arising therefrom, in the principal officers of His Majesty's Ordnance.

XXI. An Act to amend the Acts for the Extension and Promotion of Public Works in *Ireland*.

XXII. An Act to explain and amend Two Acts passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages, in *England*.

XXIII. An Act to abolish the Punishment of the Pillory.

XXIV. An Act to explain and amend an Act of the Seventh Year of His Majesty King *George* the Fourth, to provide for improving and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judges' Lodgings, throughout *England* and *Wales*.

XXV. An Act to make more effectual Provisions relating to the Police in the District of *Dublin* Metropolis.

XXVI. An Act for the Amendment of the Laws with respect to Wills.

XXVII. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-eight, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-seven.

XXVIII. An Act to amend an Act of the Third and Fourth Years of His late Majesty, for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.

XXIX. An Act for enabling Her Majesty to grant the Rank of General Officers to Foreigners now bearing Her Majesty's Commission, and to permit the Enlistment of Foreigners under certain restrictions.

XXX. An Act to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

XXXI. An Act for continuing Military Commissions and Commissions in the Royal Marines in force notwithstanding the Demise of the Crown.

XXXII. An Act to repeal the several Laws relating to the Post Office.

XXXIII. An Act for the Management of the Post Office.

XXXIV. An Act for the Regulation of the Duties of Postage.

XXXV. An Act for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage.

XXXVI. An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws.

XXXVII. An Act to continue until the First Day of *July* in the Year One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis.

XXXVIII. An Act for raising the Sum of Thirteen millions six hundred and twenty-three thousand three hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-seven.

XXXIX. An Act to interpret the Words "Sheriff," "Sheriff Clerk," "Shire," "Sheriffdom," and "County," occurring in Acts of Parliament relating to *Scotland*.

XL. An Act to continue an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*, until the First Day of *May* One thousand eight hundred and thirty-eight, and from thence to the end of the then next Session of Parliament.

XLI. An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in *Scotland*.

XLII. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His Majesty King *George* the Fourth, for the Administration of Justice in *New South Wales* and *Van Dieman's Land*.

XLIII. An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in *Ireland*.

XLIV. An Act to provide for the Costs of Prosecutions for concealing the Birth of Children by secret burying or otherwise disposing of their Dead Bodies.

XLV. An Act to alter the Mode of giving Notices for the holding of Vestries, of making Proclamations in Cases of Outlawry, and of giving Notices on *Sundays* with respect to various Matters.

XLVI. An Act to vest the Rolls Estate in Her Majesty, and to provide for the future Payment of the Salary of the Master of the Rolls and the Expenses of the Rolls Chapel.

XLVII. An Act to repeal the Prohibition of the Payment of the Salaries and Allowances of the *East India* Company's Officers during their absence from their respective Stations in *India*.

XLVIII. An Act to appoint a Second Commissioner of Bankrupt in *Ireland;* and to amend an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland.

XLIX. An Act to amend certain Laws of Excise relating to the Duties on Malt made in the United Kingdom.

L. An Act to facilitate the Conveyance of Lands and Buildings for the Purposes of Two Acts passed respectively in the Fifth and Sixth Years of His late Majesty King *William* the Fourth.

LI. An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto.

LII. An Act to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

LIII. An Act to explain and amend an Act of the Sixth and Seventh Years of His Late Majesty, for extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham*, and *Cambridge*.

LIV. An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in *Ireland* account for Public Monies, and to secure the same.

LV. An Act for better regulating the Fees payable to Sheriffs upon the Execution of Civil Process.

LVI. An Act for amending the several Acts for the Regulation of Attornies and Solicitors.

LVII. An Act to impose certain Duties of Excise on Sugar made from Beet Root in the United Kingdom.

LVIII. An Act to revive and continue, until the Sixth Day of *April* One thousand eight hundred and thirty-eight, an Act of the last Session of Parliament, for suspending Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.

LIX. An Act to postpone until the First Day of *January* One thousand eight hundred and thirty-nine the Repayment of certain Sums advanced by the Bank of *Ireland* for the Public Service.

LX. An Act for correcting mistaken References to His late Majesty in Acts of this Session of Parliament.

LXI. An Act to extend an Exemption granted by an Act of the last Session of Parliament from the Duties of Assessed Taxes, in respect of certain Carriages with less than Four Wheels, and to amend the Laws relating to the said Duties.

LXII. An Act to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by

Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade.

LXIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-eight.

LXIV. An Act for regulating the Coroners of the County of *Durham*.

LXV. An Act to render valid certain Acts done in the Performance of Duties in the Court of Exchequer in *Scotland* by the Lord Ordinary on the Bills in the Court of Session, and for the better Regulation of the said Court of Exchequer.

LXVI. An Act to extend to *Ireland* the Act of the Fifth and Sixth Years of his late Majesty's Reign consolidating and amending the Laws relating to the cruel and improper Treatment of Animals.

LXVII. An Act to amend an Act of the Fifth Year of His Majesty King *George* the Fourth, for consolidating and amending the Laws relative to the Arbitration of Disputes between Masters and Workmen.

LXVIII. An Act to provide for Payment of the Expenses of holding Coroner's Inquests.

LXIX. An Act to amend an Act for the Commutation of Tithes in *England* and *Wales*.

LXX. An Act to authorize the Commissioners for the Affairs of *India* and the Court of Directors of the *East India* Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the *East India* Company's College at *Haileybury*, and for providing during such Suspension for the Examination of Candidates for the said College.

LXXI. An Act to continue until the First Day of *August* One thousand eight hundred and Thirty-eight, and to the End of the then Session of Parliament, Two Acts of the last Session of Parliament, for suspending Appointments to certain Dignities and Offices in Cathedrals and Collegiate Churches, and to Sinecure Rectories, and for preventing the immediate Effects on Ecclesiastical Jurisdictions of the Measures in progress for the Alteration of Dioceses.

LXXII. An Act to provide for the Appointment of Lords Justices in the Case of the next Successor to the Crown being out of the Realm at the Time of the Demise of Her Majesty.

LXXIII. An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies.

LXXIV. An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland*.

LXXV. An Act to prolong for Ten Years Her Majesty's Commission for building new Churches.

LXXVI. An Act to impose Rates of Packet Postage on *East India* Letters, and to amend certain Acts relating to the Post Office.

LXXVII. An Act to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Judicature within the Kingdom of *England* and *Wales*, with respect to Offenders liable to the Punishment of Death.

LXXVIII. An Act to amend an Act for the Regulation of Municipal Corporations in *England* and *Wales*.

LXXIX. An Act to apply the Sum of Five millions two hundred and twenty thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-seven, and to appropriate the Supplies granted in this Session of Parliament.

LXXX. An Act to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

LXXXI. An Act to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in *England* and *Wales*.

LXXXII. An Act to amend the Law relating to Grand Juries in *Ireland*, so far as to empower the Grand Jury of the County of *Fermanagh* to reconstruct the Baronial Subdivisions of the said County.

LXXXIII. An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

LXXXIV. An Act to abolish the Punishment of Death in Cases of Forgery.

LXXXV. An Act to amend the Laws relating to Offences against the person.

LXXXVI. An Act to amend the Laws relating to Burglary and Stealing in a Dwelling House.

LXXXVII. An Act to amend the Laws relating to Robbery and Stealing from the person.

LXXXVIII. An Act to amend certain Acts relating to the Crime of Piracy.

LXXXIX. An Act to amend the Laws relating to burning or destroying Buildings and Ships.

XC. An Act to amend the Law relative to Offences punishable by Transportation for Life.

XCI. An Act for abolishing the punishment of Death in certain Cases.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the Corporation of *Leicester* to apply the Proceeds of their Real Estates in payment of Money borrowed for the Purchase and Enlargement of the Gaol and House of Correction for the Borough of *Leicester*.

ii. An Act for maintaining the Causeway and Turnpike Road from *Grigg's Quay* in the Parish of *Uly Lelant*, over *Hayle* River and Sands, and through *Hayle Foundry*, in the County of *Cornwall*, and for extending the said Turnpike Road from the Western End of the said Causeway towards *Penzance*.

iii. An Act to amend and enlarge the Powers of an Act passed in the First and Second Years of His present Majesty, for erecting a County Hall and Courts of Justice, and also for providing Accommodation for His Majesty's Justices of Assize in and for the County of *Worcester*.

iv. An Act for lighting with Gas the Town of *Runcorn* otherwise called *Higher Runcorn* and *Lower Runcorn*, and also the Township or Chapelry of *Halton*, both in the Parish of *Runcorn*, in the County of *Chester*.

v. An Act for making and maintaining a Turnpike Road along the South Side of the River *Dee* in the County of *Kincardine*.

vi. An Act for repairing, maintaining, and improving the Road from the Town of *Rochdale* to near *Hand Bridge*, near the Town of *Burnley* and other roads communicating therewith and for making and maintaining other roads also to communicate therewith, all in the County Palatine of *Lancaster*.

vii. An Act to extend the Powers and Provisions of an Act passed in the last Session of Parliament, for the more easy and speedy recovery of Small Debts within the Borough of *Leicester*, to several other Towns, Parishes, and Places in the County of *Leicester*.

viii. An Act for the more easy and speedy recovering Small Debts within the Parish of *Hinckley* and other Places therein mentioned in the Counties of *Leicester* and *Warwick*.

ix. An Act for the more easy and speedy recovery of Small Debts within the Town of *Loughborough*, and other Places therein mentioned, in the Counties of *Leicester* and *Nottingham*.

x. An Act for better paving, cleansing, lighting, watching, and improving the Town of *Whitby* in the North Riding of the County of *York*.

xi. An Act to enable the Company of Proprietors of the *Bridgewater* and *Taunton* Canal Navigation to continue the Line of the Canal below the Town of *Bridgewater*, and for varying the Powers of the several Acts relative to the said Canal.

xii. An Act to enable "The Licensed Victuallers and General Fire and Life Assurance Company," to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any One of the

Directors of the said Company, and for other purposes.

xiii. An Act for forming and regulating a Company to be called "The Patent Dry Gas Meter Company," and to enable the said Company to purchase certain Letters Patent.

xiv. An Act for making and maintaining certain Roads in the County of *Aberdeen.*

xv. An Act to enable the Duke of *Buccleuch* and *Queensberry* to make and maintain a pier at *Granton* in the parish of *Cramond*, and a Road therefrom to join the road leading from *Leith* to *Queensferry* in the County of *Edinburgh.*

xvi. An Act for more effectually repairing the Road from the Turnpike Road between *Gateshead* and *Hexham,* near *Lobly Hill* in the County of *Durham,* to *Burtryford* in the Parish of *Stanhope* in the same County, together with several Branches therefrom.

xvii. An Act for amending an Act of His present Majesty, for repairing the Roads from *Sevenoaks Common* to *Woodsgate, Tunbridge Wells,* and *Kipping's Cross,* and from *Tunbridge Wells* to *Woodsgate,* in the County of *Kent.*

xviii. An Act for better paving, cleansing, lighting, and otherwise improving the Town of *Cardiff* in the County of *Glamorgan.*

xix. An Act for better lighting with Gas The Town of *Cardiff,* in the County of *Glamorgan.*

xx. An Act for better supplying with Water the Town and Borough of *Sta l* , and Places adjacent thereto, in the Counties of *Northampton* and *Lincoln.*

xxi. An Act for making a Railway from *Sheffield* in the West Riding of the County of *York* to *Manchester* in the County of *Lancaster.*

xxii. An Act for making and maintaining a Railway from the Town of *Lancaster* to the Town of *Preston,* in the County Palatine of *Lancaster.*

xxiii. An Act to enable the North Midland Railway Company to alter the Line of the said Railway, and also to make Two Branches to communicate with the same.

xxiv. An Act for enabling the *Manchester* and *Leeds* Railway Company to vary the Line of such Railway, and for amending and enlarging the Powers and Provisions of the Act relating thereto.

xxv. An Act to enlarge and amend the Powers and Provisions of an Act relating to the *Whitby* and *Pickering* Railway in the North Riding of the County of *York.*

xxvi. An Act to amend an Act passed in the last Session of Parliament, for making a Railway from *Birmingham* to *Gloucester,* to extend the Line of the said Railway, and to make Branches therefrom to the City of *Worcester* and the Town of *Tewkesbury.*

xxvii. An Act for enabling the *Liverpool* and *Manchester* Railway Company to raise more Money, and for amending and enlarging the Powers and Provisions of the several Acts relating to the said Railway.

xxviii. An Act to alter the Line of the *Preston* and *Wyre* Railway, and to amend the Act relating thereto.

xxix. An Act for making and maintaining a Dock or Docks at *Wyre* in the County Palatine of *Lancaster.*

xxx. An Act for establishing a Company for the Purpose of laying out and maintaining an ornamental Park within the Townships of *Rusholme, Chorlton-upon-Medlock,* and *Moss-side,* in the County of *Lancaster.*

xxxi. An Act for building a Bridge over the River *Thames* from *Streatley* in the County of *Berks* to the opposite Shore in the Parish of *Goring* in the County of *Oxford,* and for making convenient Approaches thereto.

xxxii. An Act for continuing, altering, and amending certain Acts for regulating the Police of the City of *Edinburgh* and the adjoining Districts, and for other purposes relating thereto.

xxxiii. An Act for widening and improving the Road from *Halifax* to *Sheffield* in the West Riding of the County of *York,* so far as relates to the Third District of the said Road; and for diverting the said District of Road, and making a new Line of Road therefrom.

xxxiv. An Act for improving and maintaining the Road from *Dryclough* through *Shaw, New Hay,* and *Milnrow,* to *Rochdale,* and other Roads in the County of *Lancaster.*

xxxv. An Act for more effectually repairing improving and maintaining certain Roads leading to and from the town of *Llanrust* in the county of *Denbigh.*

xxxvi. An Act for repairing, maintaining, and improving the Line of Road from *Leeds* to *Otley* in the West Riding of the County of *York*.

xxxvii. An Act for making and maintaining a Road from the Road leading from *Glasgow* to *Carntyne*, called *Duke Street*, to the East End of *Blackfriars Street* or *Regent Street* in the said City of *Glasgow*.

xxxviii. An Act for better maintaining the Road from *Gillow Hollow* in the Parish of *Biddulph* in the County of *Stafford* to the *Congleton* and *Leek* Turnpike Road, at *Park Lane* in the Township of *Congleton* in the County of *Chester*, with the Road therefrom at *Lick Lane* in the said Parish of *Biddulph*.

xxxix. An Act for further and more effectually repairing, amending, and maintaining, certain Roads in the County of *Roxburgh*, and other Roads connected therewith, leading into the Counties of *Berwick*, *Northumberland*, and *Durham*.

xl. An Act for more effectually improving the several Roads from *Newcastle-under-Lyme* to *Darlaston Bridge*, *Butt Lane*, and *Lindley Lane*, and through *Trent Vale* and *Stoke-upon-Trent* to *Shelton Wharf*, all in the County of *Stafford*.

xli. An Act for maintaining, repairing, and amending Turnpike Roads from the Town of *Antrim* in the County of *Antrim* towards *Coleraine* in the County of *Londonderry*.

xlii. An Act for maintaining, repairing, and amending a Turnpike Road from *Belfast* to *Lisburne* by *Malone* and by the *Falls*, and Two Turnpike Roads leading from the *Falls Road* by *Dundrod* and *Castlerobin* respectively to *Crumlin*, in the County of *Antrim*.

xliii. An Act for more effectually amending the Roads from *Manchester* in the County of *Lancaster* through *Oldham* to *Austerlands* in the County of *York*, and from *Oldham* to *Ashton-under-Lyne*, and from *Oldham* to *Rochdale*, and other Roads, and for making and maintaining new Lines to communicate therewith all in the said County of *Lancaster*.

xliv. An Act for making and maintaining a Turnpike Road from *Butterhouse Green* in the County of *Chester* to *Thornley Lane End* in the County of *Lancaster*.

xlv. An Act for amending Two several Acts of the Seventh and Tenth Years of His late Majesty King *George* the Fourth, for repairing the Road from *Ashborne* in the County of *Derby* to *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*.

xlvi. An Act for repairing and maintaining the Road leading from *Elland Bridge* in the Parish of *Halifax* into the *Dewsbury* and *Elland* Turnpike Road near the Obelisk in the Parish of *Dewsbury*, all in the west riding of the County of *York*

xlvii. An Act to enable the Managers of the *Sun* Life Assurance Society to appropriate any part of the Profits thereof for the Benefit of any persons who have already effected or may hereafter effect Policies of Assurance with the said Society.

xlviii. An Act to continue for a limited Term of Years the Acts relating to the Police of the City of *Glasgow*; to vest the Management of the Statute Labour Conversion Money of the said City in the Board of Police thereof; and for other Purposes therein mentioned.

xlix. An Act to continue for a limited Term of Years the Police Act for the Barony of *Gorbals* in the County of *Lanark*, and for other purposes relating thereto.

l. An Act to enlarge the Powers of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for making a Railway from* London *to* Greenwich.

li. An Act for constructing a Harbour, Dock or Docks, Piers, and other Works at *Trinity*, in the Parish of *North Leith* and County of *Edinburgh*.

lii. An Act for better supplying with Water the Town and Borough of *Swansea* in the County of *Glamorgan*.

liii. An Act for making a Canal from the *Stourbridge* Navigation near *Brockmoor* in the Parish of *Kingswinford* in the County of *Stafford* to the *Oak Farm Colliery*, with a Branch to the *Standhills*. both in the said Parish of *Kingswinford* and County of *Stafford*.

liv. An Act for making and maintaining certain Reservoirs in the several Townships of *Holme*, *Cartworth*, *Austonley*, *Upperthong*, *Wooldale*, and *Hepworth*, in the several Parishes of *Kirkburton* and *Almondbury* in the West Riding of the County of *York*.

lv. An Act for better supplying with Water the Town of *Wakefield* and the Neighbourhood thereof in the West Riding of the County of *York*.

lvi. An Act to alter and amend an Act of the last Session of Parliament, intituled *An Act for making and maintaining a Pier Wharf and other Works at* Greenwich *in the County of* Kent; and to extend the Powers of the said Act.

lvii. An Act for more effectually draining of certain Fen Lands and Low Grounds in the Honor, Manor, and Parish of *Wormegay* in the County of *Norfolk*, and other Lands and Grounds which are now drained by means of or through a certain Drain called "*Polver* Drain" in the said County.

lviii. An Act for removing the Markets held in the City of *Worcester* in the County of *Worcester* for the Sale of Cattle, Horses, Sheep, and Pigs, and for providing another Market Place in lieu thereof, and for providing for the better and more effectual draining of the said City.

lix. An Act to alter and amend an Act of the Sixth Year of the Reign of His late Majesty, for opening certain Streets in the Burgh of *Dundee*, and for otherwise improving the said Burgh.

lx. An Act for building a Bridge over the River *Tweed* at or near to *Mertoun Mill* in the County of *Berwick*, and for making Avenues and Approaches thereto.

lxi. An Act for the uniform Valuation of Lands and Tenements in the County of *Waterford* in *Ireland*, for the Purpose of levying the County Rates therein.

lxii. An Act for the Recovery of Small Debts within the Southern Division of the Hundred of *Roborough* and within the Hundred of *Plympton* in the County of *Devon* and within the Southern Division of the Hundred of *East* in the County of *Cornwall*.

1° VICT.

lxiii. An Act for making a Railway from the City of *Chester* to join "The Grand Junction Railway" near *Crewe Hall* in the County of *Chester*, to be called "The *Chester* and *Crewe* Railway."

lxiv. An Act to amend the Acts relating to the *London* and *Birmingham* Railway.

lxv. An Act to rectify a Mistake in an Act of the last Session of Parliament for making a Railway from the *London* and *Birmingham* Railway near *Birmingham* to *Derby*, to be called the *Birmingham* and *Derby* Junction Railway, with a Branch.

lxvi. An Act to enable the *Leicester* and *Swannington* Railway Company to raise a further Sum of Money.

lxvii. An Act to enable the *Durham* and *Sunderland* Railway Company to alter a Part of the Main Line of their Railway, to abandon another Part thereof, to make other Branches therefrom; and to amend and enlarge the Powers of the Act for incorporating the said Company.

lxviii. An Act to alter the Line of the *York* and *North Midland* Railway, and to amend the Act relating thereto.

lxix. An Act for making a Railway from *Manchester* to join the Grand Junction Railway in the Parish of *Chebsey* in the County of *Stafford*, to be called "The *Manchester* and *Birmingham* Railway," with certain Branches therefrom.

lxx. An Act to enable the *Taff Vale* Railway Company to alter the Line of the said Railway and the Act relating thereto, and to make additional Branches.

lxxi. An Act to alter the Line of the *London* and *Southampton* Railway, and to amend the Act relating thereto.

lxxii. An Act for regulating and improving the Borough of *Newcastle-upon-Tyne*.

lxxiii. An Act to amend the several Acts for paving, lighting, cleansing, and otherwise improving the Town of *Ipswich* in the County of *Suffolk*, and for removing and preventing Encroachments, Obstructions, and Annoyances therein.

lxxiv. An Act to amend an Act of the Forty-fifth Year of the Reign of King *George* the Third, for improving and rendering more commodious the Port of *Ipswich*, and for constructing a Wet Dock there.

lxxv. An Act for improving, enlarging, and maintaining the Pier, Harbour, and Market of *Brixham* in the County of *Devon*, and for the Formation of a Breakwater in *Torbay*.

lxxvi. An Act for the Formation of a new Cut or Channel, and for otherwise more effectually improving the Port and Harbour of *Belfast*.

lxxvii. An Act for forming a Harbour in the Parish of *Warkworth*, in the County of *Northumberland*, by improving the Navigation of the River *Coquet*, and for rendering the same safe and commodious, and easy of Access.

lxxviii. An Act for amending an Act of the Second Year of the Reign of his late Majesty King *William* the Fourth, and for granting further Rates and Powers for improving the Port of *Hartlepool* in the County of *Durham*.

lxxix. An Act for making and maintaining Reservoirs upon the tributary Streams of the River *Etherow* otherwise the *Mersey* in the Parish of *Glossop* in the County of *Derby*, for more effectually and regularly supplying with Water the Mills, Manufactories, and Works on the said tributary Streams and River.

lxxx. An Act to amend and enlarge the Powers of the several Acts relating to the *Ellesmere* and *Chester* Canal.

lxxxi. An Act to raise and apply Funds for the future Maintenance and Repair of the Banks of the River *Ouze* between *Denver Sluice* and the *Eau Brink Cut* in the County of *Norfolk*.

lxxxii. An Act for better supplying with Water the Town and Neighbourhood of *Barnsley* in the West Riding of the County of *York*.

lxxxiii. An Act for the better supplying with Water the Town and Neighbourhood of *Leeds* in the West Riding of the County of *York*.

lxxxiv. An Act for granting more effectual Powers for the Regulation of the Court of Conscience within the City of *Bristol*.

lxxxv. An Act for removing and preventing Encroachments within the City and County of *Bristol*, and for better regulating the Shipping, Rivers, Wharfs, Backs, and Quays, and the Markets within the same; and for other Purposes.

lxxxvi. An Act for the better assessing and collecting certain Parochial and other Rates within the City and County of *Bristol*.

lxxxvii. An Act to enable the *Shropshire* and *North Wales* Assurance Company to sue and be sued in the Name of the Managing Director for the Time being, or of any One of the general or local Directors of the said Company.

lxxxviii. An Act for amending and enlarging the Provisions of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to encourage the working of Mines and Quarries in* Ireland, *and to regulate a Joint Stock Company for that Purpose, to be called " The* West Cork *Mining Company."*

lxxxix. An Act to enable *Edward Joshua Cooper* Esquire to establish and protect a Salmon Fishery upon the Lakes and Rivers of *Owenmore* and *Arrow*, and also within the Bay of *Ballisodare*, in the County of *Sligo*, in *Ireland*.

xc. An Act for draining, inclosing, dividing, and allotting certain Lands in the Parish of *Over*, in the County of *Cambridge*.

xci, An Act to alter the Line of the Great Western Railway, and to amend the Acts relating thereto.

xcii. An Act to enable the Great Western Railway Company to extend the Line of such Railway, and for other Purposes relating thereto.

xciii. An Act to alter and extend the Line of the South-eastern Railway, and to amend the Act relating thereto.

xciv. An Act to alter, amend, and enlarge the Powers of an Act for making the *Slamannan* Railway, passed in the Sixth Year of His present Majesty, and to enable the *Slamannan* Railway Company to make and maintain a Branch to *Bathgate* in the County of *Linlithgow*.

xcv. An Act for making and maintaining a Railway to connect the Great North of *England*, *Clarence*, and *Hartlepool* Railways, in the County of *Durham*.

xcvi. An Act for making and maintaining a Railway from the Town of *Dundalk*, in the County of *Louth* to the town of *Ballibay* in the County of *Monaghan*.

xcvii. An Act to authorise the *Durham* Junction Railway Company to make a Branch Railway from the *Durham* Junction Railway, to be called "The *Houghton-le-Spring* Branch."

xcviii. An Act for altering, amending, improving, and extending the Provisions of certain Acts of Parliament relating to the Town of *Liverpool* in the County Palatine of *Lancaster*.

xcix. An Act for improving the Harbour of the Burgh of *Montrose* in the County of *Forfar*.

c. An Act for further extending the Time for completing the *Wishaw* and *Coltness* Railway in the County of *Lanark*.

ci. An Act for making a Railway from the Town and Port of *Maryport* to the Borough of *Carlisle*, to be called " The *Maryport* and *Carlisle* Railway."

cii. An Act to enable " The Great North of *England* Railway Company " to extend the Line of their Railway, and to make two Branches therefrom; and for other Purposes relating thereto.

ciii. An Act to alter, amend, explain, and enlarge the Powers of the several Acts for making and maintaining the *Clarence* Railway.

civ. An Act for making and maintaining a

Railway from the City of *Dublin* to the City of *Kilkenny,* to be called the Great *Leinster* and *Munster* Railway.

cv. An Act to enable the *Kilmarnock* and *Troon* Railway Company to raise a farther Sum of Money; to alter and amend the Line of the said Railway; and for other Purposes relating thereto.

cvi. An Act to alter the Line of the *Dublin* and *Drogheda* Railway, and to amend the Act relating thereto.

cvii. An Act for making a Railway from the City of *Chester* to *Birkenhead.*

cviii. An Act for making a Railway from the City of *Cork* to the Town of *Passage.*

cix. An Act for the better paving, lighting, watching, and cleansing the Burgh of *Dundee,* and for maintaining and regulating the Police of the same and Places adjacent, and other Purposes relating thereto.

cx. An Act for improving the Piers and Harbour of *Bridlington* in the East Riding of the County of *York,* and for rendering the same more safe and commodious as a Harbour of Refuge.

cxi. An Act to make and maintain a Canal from the *Forth* and *Clyde* Canal in the County of *Lanark* to *Campsie* Alum Works in the County of *Stirling.*

cxii. An Act for enabling the Directors of the *Manchester* Gas Works to purchase Land, Buildings, and Apparatus for the Extension of their Works.

cxiii. An Act to increase the Tonnage, Rates, and Duties granted by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, for improving the Outfall of the River *Welland* in the County of *Lincoln,* and to alter and enlarge the Powers of the said Act.

cxiv. An Act to alter and amend an Act of the Fourth Year of the Reign of His late Majesty, for erecting, establishing, and maintaining a Market in the Parish of *Saint George the Martyr* in the Borough of *Southwark.*

cxv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool,* to open and widen certain streets and places in the town of *Liverpool,* and otherwise to improve the same; and to enable the said Mayor, Aldermen, and Burgesses to appropriate Lands, Tenements, and Hereditaments for Public Purposes, and also to erect Public Buildings.

cxvi. An Act for making and maintaining a Railway from *Glasgow* to *Greenock* by *Paisley* and *Port Glasgow,* to be called "The *Glasgow, Paisley,* and *Greenock* Railway."

cxvii. An Act for making a Railway from *Glasgow* to *Paisley* and *Ayr,* and from a Point on the said Railway near *Blairland* to *Kilmarnock,* to be called "The *Glasgow, Paisley, Kilmarnock,* and *Ayr* Railway," with Branches.

cxviii. An Act to continue, for certain Purposes, the Powers of Two Acts for making and maintaining the *Pollock* and *Govan* Railway.

cxix. An Act for making a Railway from the *London* and *Croydon* Railway to *Brighton,* with Branches to *Shoreham, Newhaven,* and *Lewes.*

cxx. An Act to enable the *London* and *Greenwich* Railway Company to take certain Tolls for Passengers, Cattle, and Carriages crossing the River *Ravensborne,* in pursuance of an Agreement entered into with "The *Deptford Creek Bridge* Company."

cxxi. An Act for making a Railway from *Bolton le Moors* to *Preston* in the County Palatine of *Lancaster.*

cxxii. An Act for incorporating certain Persons for the making and maintaining a Railway from near the *Black Boy* Branch of the *Stockton* and *Darlington* Railway in the Township of *Saint Andrew Auckland* to or near to *Witton Park* Colliery, with a Branch therefrom, all in the County of *Durham,* to be called "The *Bishop Auckland* and *Weardale* Railway.

cxxiii. An Act for making Wet Docks and other Works on the South Side of the River *Thames,* at or near *Rotherhithe* and *Deptford* in the Counties of *Surrey* and *Kent,* to be called "The Grand Collier Docks."

cxxiv. An Act for improving the Harbour and Port of *Fishguard* otherwise *Abergwain* in the County of *Pembroke.*

cxxv. An Act to make and maintain a Canal in the County of *Lanark* from the *Monckland* Canal to the Lands of *Dunchatton* on the North Side of *Duke Street* of *Glasgow.*

cxxvi. An Act for supplying the Royal Burgh of *Dundee* and Suburbs thereof with Water.

cxxvii. An Act to extend, alter, and enlarge the Powers of several Acts for enabling the Commissioners of Wide Streets in *Dublin* to widen and improve certain Ways, Streets, and Passages in the said City and County of *Dublin*, and for raising further Funds to enable the said Commissioners to carry the same into execution.

cxxviii. An Act for providing a Market Place and Market at the Village of *Dowlais* in the Parish of *Merthyr Tydfil* in the County of *Glamorgan*.

cxxix. An Act for improving and regulating the Borough of *Stockport* in the several Counties of *Chester* and *Lancaster*.

cxxx. An Act for establishing a Cemetery for the Interment of the Dead Westward of the Metropolis, by a Company to be called " The West of *London* and *Westminter* Cemetery Company."

cxxxi. An Act for establishing a general Cemetery for the Interment of the Dead in or near the City of *Bristol*.

cxxxii. An Act for forming and regulating the *London* Caoutchouc Company, and to enable the said Company to purchase certain Letters Patent.

cxxxiii. An Act to amend the Act relating to the Commercial Railway Company.

PRIVATE ACTS.

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing and exonerating from Tithes Lands in the Parish of *Cranfield* in the County of *Bedford*.
2. An Act for inclosing Lands in the several Parishes of *Llanymynech*, *Llanrhaidr-yn-Mochnant*, *Llanarmon-mynydd-mawr*, *Llanarmon-dyffryn-Ceiriog*, *Llansilin*, and *Llancadwalader* in the County of *Denbigh*.
3. An Act for inclosing Lands in the Township of *Lofthouse-cum-Carlton* in the Parish of *Rothwell* in the West Riding of the County of *York*.
4. An Act for inclosing Lands in the Parishes of *Winfrith*, *Newburg*, and *Wool* in the County of *Dorset*.
5. An Act for inclosing Lands in the Manor of *Newbold* in the Parish of *Chesterfield* in the County of *Derby*.
6. An Act for inclosing Lands within the Townships or Divisions of *Mansergh*, *Lupton*, *Old Hutton*, and *Holme Scales*, and *New Hutton*, in the Parishes of *Kirkby Lonsdale*, *Burton-in-Kendal*, and *Kirkby-in-Kendal*, in the County of *Westmorland*.
7. An Act for dividing, allotting, and inclosing the Open Fields and Field Lands, Commons, and Waste Grounds in the Parishes of *Ashby* and *Hellington* in the County of *Norfolk*.
8. An Act for inclosing Lands in the Parish of *Clapton*, in the County of *Somerset*.
9. An Act for inclosing Lands in the Honor or Lordship and Forrest of *Clun* in the County of *Salop*.
10. An Act to enable the Minister of the Parish of *Banff* in the County of *Banff* to feu the Glebe Lands of the said Parish.
11. An Act to enable *John Angerstein* Esquire to grant Building and Repairing Leases of Lands and Hereditaments in the Parish of *Grimsby* in the County of *Lincoln*, and in the Parish of *East Greenwich* in the County of *Kent*; and to enable *Amelia*, the Wife of the said *John Angerstein*, to grant similar Leases of Parts of the same Estates in the said Parish of *East Greenwich*.
12. An Act to enable *David Rankine* Esquire, of *Dudhope*, to feu certain Portions of the Lands and Estate of *Dudhope* in the County of *Forfar*
13. An Act to vest certain Parts of the Entailed Estate of *Boysack* in the County of *Forfar*, belonging to *William Fullarton Lindsay Carnegie*, Esquire, in Trustees to sell the same, and apply the Price thereof in payment of certain Debts affecting the said Estate, in building a Mansion House for the same, and in repayment of certain Sums of Money laid out in improving the said Estate; and to enable the Heir of Entail in possession of the said Estate to feu certain parts thereof.
14. An Act for enabling the Trustees of *William Eliott Lockhart* deceased, of *Borthwickbrae*, to sell the Lands of *Old Melrose* and part of the Estate of *Borthwickbrae* to pay the Debts affecting the same.

15. An Act to enable *Alexander Murray* Esquire, of *Broughton*, to borrow a certain Sum of Money upon the Security of certain of his Entailed Estates for repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

16. An Act to alter and extend the Powers of an Act passed in the Eleventh Year of the reign of his late Majesty King *George* the Fourth, intituled *An Act for empowering* George William *Duke of* Argyll *and his Trustee to borrow a Sum of Money, and to make it a charge on the Estate of* Argyll, *upon certain Conditions.*

1° VICT.

17. An Act to enable *Edward Farr* and others to effect a sale to *Walter Wilkins* Esquire of a Messuage and Lands situate in the Parish of *Glasbury* in the County of *Radnor*.

18. An Act for vesting a Piece of Land in the Parish of *Childwall* in the County of *Lancaster*, belonging to *Edward Paton Cearnes* an infant, in Trustees for Sale, and for investing the Monies thence arising in the purchase of other Estates to be conveyed to the Infant.

19. An Act to vest a Part of the Entailed Estate of *Drumkilbo* and others in the Counties of *Perth* and *Forfar* in Trustees in Fee Simple, for the Sale and to raise Money thereon for satisfying the Debts contracted for Money laid out or to be laid out in the Improvement of the said Entailed Estate, and in building a Mansion House thereon; and to enable *David Nairne* Esquire, and the Heirs of Entail succeeding to him, if there be such, to grant Feus of Part of the said Estate of *Drumkilbo* and others.

20. An Act for vesting an Estate belonging to the Dean and Chapter of the Cathedral and Metropolitical Church of *Saint Peter* in *York* in Trustees for Sale, and for laying out the Monies arising from such Sales in the purchase of other Estates, to be settled to the same Uses; subject nevertheless to making Compensation to the Dean and Chapter for the Time being for certain Fines payable on Renewal of the Leases of the said first-mentioned Estate; and also for Payment of certain Debts due on account of the said Cathedral Church.

21. An Act to enable *Richard Rayley* Esquire to grant Leases of the Messuages, Lands, and Hereditaments appointed or devised by the Will of *Richard Rayley* Esquire, his late Father, deceased; and for selling certain of the said Messuages, Lands, and Hereditaments, and laying out the Monies to be produced by such Sales in the purchase of other Estates, to be settled to the same Uses.

22. An Act to enable the Tutors and Curators of Sir *Michael Robert Shaw Stewart*, Baronet to grant Feu Rights of the Estate of *Greenock* and other Lands in the County of *Renfrew*.

23. An Act for carrying into effect a Contract entered into with *Edward Riddell* Esquire for the Sale to him of a certain Farm called *Broomey Hall Farm*, situate in the Township of *Dalton* in the Parish of *Newburn* in the County of *Northumberland*, devised in strict Settlement by the will of *Elizabeth Archer Hind* Spinster, deceased; and for applying the Money thence arising in the Purchase of other Hereditaments in lieu thereof, to be settled to the like Uses.

24. An Act to enable the Rector of the Parish of *Wigan* in the County Palatine of *Lancaster* to grant Leases of the Mines and Building Leases, subject to Ground Rents, of the Glebe Lands belonging to the said Rectory; and for other Purposes.

25. An Act for confirming a Lease granted by the Most Noble *Henry Charles* late Duke of *Beaufort* to *John Vivian* Esquire, of Lands and Hereditaments in the parish of *Saint John juxta Swansea* in the County of *Glamorgan;* and also a certain other Lease granted by the said *Henry Charles* late Duke of *Beaufort*, and the Most Noble *Henry* Duke of *Beaufort*, by his then name of *Henry* Marquis of *Worcester*, to *John Williams* Esquire, and others, of Lands and Hereditaments in the Parishes of *Saint John juxta Swansea* and *Llangefelach* in the said County of *Glamorgan*.

26. An Act for vesting the settled undivided shares of the Right Honourable *George Talbot Rice* Lord *Dynevor* in the County of *Glamorgan* in Trustees for Sale, and with power to make a Partition thereof.

27. An Act for vesting an Estate in the Parish of *Steeple Aston* in the County of *Oxford*, devised by the Will of *John Marten Watson*, Gentleman, deceased, in Trustees, for carrying into effect a Contract entered into for the Sale thereof, and for laying out the Monies thence

arising in the Purchase of other Estates, to be settled to the same Uses.

28. An Act for authorizing Trustees to sell Part of the Settled Estates of the Right Honourable *Arthur Moyses William* Lord *Sandys*, in the Counties of *Worcester, Cambridge,* and *Bedford*, and for laying out the Monies to arise by such Sale in the Purchase of other Estates, to be settled to the same Uses; and also for authorising the same Trustees to grant Leases for Building and Manufacturing Purposes of other part of the said settled Estates in the County of *Worcester.*

29. An Act for effecting an Exchange between the Warden and Scholars Clerks of *Saint Mary* College of *Winchester* near *Winchester*, in the County of *Southampton*, and the Dean of the Cathedral Church of the *Holy Trinity* of *Winchester* in the said County, and the Chapter of the same Church, of divers Messuages or Tenements, Lands, and Hereditaments.

30. An Act for confirming a Partition of Estates devised and bequeathed by the Will of Sir *William East* Baronet, deceased, and other Property; and for confirming a Sale of other Parts of the devised Estates.

31. An Act for extending the power to grant Building Leases contained in the Will of *Randle Jackson* Esquire, deceased; and for other purposes.

32. An Act to enable the Governors of the Free Grammar School of *Clitheroe* in the County of *Lancaster* to sell and grant Building Leases of the School Estates, and to enlarge the Powers of the Governors.

33. An Act to transfer the Endowments of the Domestic Chapel of Sir *Thomas Dyke Acland*, Baronet at *Columb John* in the Parish of *Broadclist* in the County of *Devon*, which Chapel is proposed to be pulled down, to a Chapel intended to be built in lieu thereof near his Residence at *Killerton* in the same Parish.

34. An Act for authorising the Trustees under an Act passed in the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, for enabling the Duke of *Richmond* for the Time being to grant Jointures as therein mentioned, and for other Purposes, to sell the Residue remaining unsold of the Stocks on Transfer of which the said Annuity was made redeemable, and to invest the Money to arise from such Sale in the Purchase of Manors, Lands, and Hereditaments; and for other Purposes.

35. An Act to extend the Powers given to the Trustees of the Will of *Charles Eversfield* Esquire by an Act of Parliament passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable Trustees to grant Building Leases of Lands in the several Parishes of* Saint Leonard's Hollington, Saint Mary of the Castle of Hastings, Maudlin, Saint Mary Magdalen, Saint Michael *near* Hastings, *and* Horsham, *in the County of* Sussex, *Parts of the Estates devised by the Will of* Charles Eversfield *Esquire, and to sell the same Lands, and also two detached Farms in the Parishes of* Hollington *and* Horsham *aforesaid, other parts of the same Estates, and for laying out the Money arising by such Sale in the Purchase of other Estates, to be settled to the same Uses.*

36. An Act for authorising the Sale of certain Estates in the Counties of *Galway* and *Mayo* devised by the Will of the Right Honourable *John* late Lord *Clanmorris* deceased, and for laying out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses.

37. An Act to enable the Right Honourable *Thomas* Earl of *Wilton*, and the Person or Persons for the Time being entitled to the Estates devised by or standing limited to the Uses of the Wills of the Right Honourable *Thomas* late Earl of *Wilton* and the Right Honourable *Eleanor* late Countess of *Wilton*, both deceased, to make conveyances in Fee or Demises for long Terms of Years of certain Parts of the said Estates, for building on or improving the same, under reserved yearly Rents.

38. An Act to enable the Court of Chancery in *Ireland* to appoint other Persons to act under the Family Settlement of the Marquis of *Donegall* and Earl of *Belfast*, bearing date the Twenty-eighth of *October* One thousand eight hundred and twenty-two, in the Place of *Thomas Ball* and *Thomas Ellis* deceased.

39. An Act for vesting Settled Estates in the Township of *Headingley-cum-Burley* in the Parish of *Leeds* in the County of *York*, of which *John Henry Fawcett* Esquire is Tenant for Life, in Trustees for Sale, and for investing the Monies to be produced thereby in the purchase of

other Estates, to be settled to the same Uses.

40. An Act for empowering the Trustees of the Will, as to his real Estate, of *Silvanus Bevan*, Esquire, deceased, to sell the Freehold Estates in the Counties of *Wilts* and *Berks* devised by the same Will, and for laying out the Money to arise from such Sale in the Purchase of other Estates, to be settled to the same Uses.

41. An Act to alter and amend an Act passed in the Second Year of the Reign of his late Majesty King *William* the Fourth, intituled *An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King* Edward *the Sixth in* Birmingham *in the County of* Warwick *to erect a Schoolhouse, Masters Houses, and other suitable Accommodations for the said School, and to extend the objects of the Charity; and for other Purposes.*

42. An Act for exchanging Part of the Settled Estates of the Most Honourable the Marquis of *Bute* and Earl of *Dumfries* in the County of *Glamorgan*, in *England*, for Estates of the said Marquis in the Counties of *Ayr*, *Wigton*, and *Bute*, in *Scotland*; and for other Purposes.

43. An Act for extending the Powers of Sale and Exchange contained in the Marriage Settlement of *Francis Adams* the younger, Esquire; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

7° GUL. IV.

45. An Act for naturalising *Martin Alepson* and *Matthew Alepson.*

46. An Act for naturalising *Michael Castelli.*

47. An Act for naturalising *Frank Castelli.*

48. An Act for naturalising *Abraham Victor Salamé.*

49. An Act for naturalising *Bernard Mette.*

50. An Act for naturalising *Henry Anthony Mette.*

51. An Act for naturalising *John Becker.*

52. An Act to dissolve the Marriage of *Charles Gardiner* Esquire with *Harriet Maria Elizabeth* his now Wife, and to enable him to marry again; and for other Purposes.

53. An Act for naturalising *Ernesto Domenico Damiano Rapallo.*

54. An Act for naturalising *Angelo Antonio Solari.*

55. An Act for naturalising *Edmee Nicole Pulcherie Felice Hales* and her Infant Daughter.

56. An Act for naturalising *Charles Frederick Huth.*

57. An Act for naturalising *Daniel Meinertzhagen.*

1° VICT.

58. An Act for naturalizing *Andrew Martin.*

59. An Act for naturalising Dame *Marie Louise Pelline De Dalberg Acton* and her Infant Son, Sir *John Emerich Edward Dalberg Acton* Baronet.

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

FOR SESSION 1837.

Abduction of an Elector, c. xxxviii 1856

Aberdeen, Earl of
  Canadas, the, xxxvii 561, xxxviii 748
  Church Accommodation (Scotland), xxxviii 1748
  Religious Instruction (Scotland), xxxviii 895

Abinger, Lord
  Common Law Courts, xxxviii 1713
  Mint, the, xxxvii 798
  Municipal Corporations (England), xxxviii 407
  ——————— Act Amendment, xxxviii *cl.* 13, 1499
  New Poor-law, the, xxxviii 299
  Oxford and Cambridge Statutes, xxxvii 1038
  Wills Bill, xxxvi 984

Abolition of Oaths, l. xxxviii 547

Adam, Admiral
  Breach of Privilege,—Explanation of Sir E. Codrington, xxxvii 1307, 1316, 1318, 1327
  Bridlington Harbour, xxxviii 679
  Construction of Men of War, xxxviii 1772
  Dismissed Officers, xxxvii 1193, 1197
  Men-of-War Wrecked, xxxvii 692
  Navy Estimates, xxxvii 909, 912
  Royal Marines, xxxvii 218

Address in Answer to the King's Speech, l. xxxvi 4, *c.* 21, Report, 65, Answer to, *l.* 91, *c.* 154

——— *of Condolence to the Queen Dowager, l.* xxxviii 1553

Adjournment—The Budget—State of the Country, c. xxxviii 1159

Admission of Freemen, c. xxxviii 291

——— *Ladies, c.* xxxviii 1481

——— *Strangers, c.* xxxvi 58

Advocate, the Lord (Right Hon. John A. Murray)
  Abduction of an Elector, xxxviii 1858
  Bankruptcy (Scotland), xxxvii 770
  Bankrupts' Estates (Scotland), xxxvii 769
  Court of Session (Scotland), xxxvi 412, 1203, xxxvii 1152, 1153
  Irish and Scotch Vagrants, xxxvi 584
  Leasing-making, Sedition, &c., xxxvi 96
  Municipal Corporations (Scotland), xxxviii 286
  Prison Discipline (Scotland), xxxvii 1206

Affairs of Canada, c. xxxvi 1287,—*Adjourned Debate, c.* xxxvii 76; *c.* xxxviii 358

——— *Spain, c.* xxxvii 1329—*Adjourned Debate,* 1394—*Adjourned Debate, c.* xxxviii 1

Aglionby, Mr.
  Admission of Freemen, xxxviii 792
  Church-rates, xxxvi 1263, xxxvii 549
  Compensation to the late Speaker, xxxviii 1804
  Dismissed Officers, xxxvii 1189
  Hand-loom Weavers, xxxviii 825
  Imprisonment for Debt, xxxvi *cl.* 12, 1185, xxxvii *cl.* 12, 698
  Offences against the Person, xxxviii 1661
  Post-office, xxxviii 657
  Rating of Tenements, xxxviii 1495
  Recorders' Courts, xxxvi. 638
  Recovery of Tenements, xxxvii 771, xxxviii 1461
  Stamp Duties on Freedom Certificates, xxxvi 1104
  Supply—Army Estimates, xxxvii 819

Agnew, Sir Andrew
  Fairs and Markets, xxxviii 547
  Observance of the Sabbath, xxxviii 541
  Poor-laws, xxxviii 1528
  Post-office, xxxvii 813
  Travelling on the Sabbath, xxxviii 899

Alsager, Captain
  Brighton Railways, xxxviii 1101
  Voting for Private Bills, xxxviii 805

Alston, Mr.
  County-rates, xxxvii 1126
  Poor-law Amendment Act, xxxvi 1073

Alvanley, Lord
  Spain—Lord J. Hay's Despatches, xxxviii 125

Answer to the Address, l. xxxviii 1618, *c.* 1660, *l.* 1760

——— *of the Queen Dowager, l.* xxxviii 1859, *c.* 1893

Appendage to a Petition, l. xxxvii 835

Archbishop Sharpe — Explanation, c. xxxvii 667

*Army Estimates, c.*xxxvii 661

Ashburton, Lord
  Church-rates, xxxvii 2, 208
  Post-office, xxxviii 1098, 1100
  ————Bills, xxxviii 1463, 1464
  Spain—Lord J. Hay's Despatches, xxxviii 169

Ashley, Lord
  Factories' Act, the, xxxvii 666

Attendance before Committees, l. xxxviii 1773

Attorney-General, the, (Sir John Campbell)
  Archbishop Sharp—Explanation, xxxvii 667
  Capital Punishments, xxxviii 917, 923 0
  Church-rates, xxxvi 1252, xxxvii 403, 52
  Common Law Courts, xxxviii 1673
  Controverted Elections, xxxviii 861
  Custody of Infant Children, xxxviii 277
  Execution of Wills, xxxviii 1665
  Factories Act, the, xxxvii 666
  Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 857, 905
  Imprisonment for Debt, xxxvi 146, 154, 1177, *cl.* 12, 1183, 1184, 1362, xxxvii *cl.* 1, 696, *cl.* 12, 697, 698, 829, 830, *cl.* 13, 833, 1701, 1702, 1741
  Law of Libel Bill, xxxviii 483
  Leasing-making (Scotland), xxxvi 698
  Longford Election, xxxviii 751
  Messrs. Hansards' Case, xxxvi 139
  Municipal Corporations Act, xxxvi 88, 570, 571, 572, 575, 576, 577, 578, 579, 580,

Attorney-General, the—*continued.*
  640, 643, 644, 647, 1059, 1062, xxxviii 1917
  ————— (Scotland) xxxviii 287
  Offences against the Person, xxxviii 1661
  Parliamentary Agents, xxxvii 461
  Patent Laws, xxxvi 577
  Primogeniture, xxxvii 739
  Privilege, xxxviii 1149
  ——— Glasgow Writ, xxxviii 1092, 1111
  Publication of Privileged Papers, xxxviii 1122, 1249, 1305
  Recorders' Courts, xxxvi 636, 637
  Registration of Voters, xxxvi 154, 155
  Survey of Church Lands, xxxvii 691, 692

Attwood, Mr. T.
  Commercial Distress—The Currency, xxxviii 1189
  Russia, xxxviii 1911, 1912, 1913
  Voting for Private Bills, xxxviii 804

Australia, c. xxxviii 1708

Bagshaw, Mr.
  East-India Maritime Officers, xxxvii 753

Baines, Mr.
  Benefit Societies, xxxvi 603
  Bribery at Elections, xxxviii 1458
  Church-rrates, xxxvi 1279, xxxvii 477 xxxviii 932, 940
  First Fruits, xxxviii 530
  Rating of Tenements, xxxviii 1494
  Recorders' Courts, xxxvi 637
  Registration &c., xxxvi 85, 138—Poor-laws, 1283
  Supply—Miscellaneous Estimates, xxxviii 1626, 1627
  Survey of Church Lands, xxxvii 1200
  Wigan Rectory, xxxviii 1333

Ballot, the, c. xxxvii 8—[A. 153, N. 265, M. 112] 67

Bangor, Bishop of
  See of Bangor, xxxvii 663, 665

Bank of Ireland, c. xxxvi 772

Bankruptcy (Scotland)—Second Reading, *c.* xxxvii 77

Bankrupts' Estates (Scotland)—Second Reading, *c.* xxxvii 769

Bannerman, Mr.
  Brevet Promotion, the, xxxvii 292
  Church of Scotland, xxxviii 1854
  Supply — Museum — The late Speaker, xxxviii 1740

Barclay, Mr. C.
  Brighton Railway — Stephenson's Line xxxvii 1303
  Hanwell Lunatic Asylum, xxxviii 1487
  London and Brighton Railways, xxxviii 121

Barclay, Mr. C.—*continued.*
Supply—Miscellaneous Estimates, xxxviii 1617
Voting for Private Bills, xxxviii 804

Barclay Mr. D.
Commercial Distress — The Currency, xxxviii 1206
Municipal Corporations Act Amendment, xxxviii 1919

Baring, Mr. Francis
Benefit Societies, xxxvi 604
Commissions, xxxvii 73, xxxviii 1490
Court of Exchequer (Scotland), xxxvi 100
Excise Department, xxxviii 1451
Ice-bound Whalers, xxxvii 926
Letter Carriers, xxxviii 1485

Baring, Mr. T.
Joint-stock Banks, xxxvi 183

Baring, Mr. Bingham
Affairs of Spain—Adjourned Debate, xxxviii 36
Manufacture of Foreign Corn, xxxvii 686

Barron, Mr.
Affairs of Spain—Adjourned Debate, xxxviii 13, 14, 15
Poor-laws (Ireland), xxxviii 421, *cl.* 36, 1162, 1163

Bateson, Sir Robert
Hand-loom Weavers, xxxviii 1795
Orange Lodge Committee, xxxviii 1480
Poor-laws (Ireland), xxxviii 423, *cl.* 15, 808
Supply—Miscellaneous Estimates, xxxviii 1628

Battles in Spain, c, xxxvii 681

Beauclerk, Major
Affairs of Spain—Adjourned Debate, xxxviii 14
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1319
Canada, xxxviii 234
Case of Mr. Charlton, xxxvi 565, 566
County-rates, xxxvii 1143
Court of Exchequer (Scotland), xxxvi 101
Lord's Day, xxxviii 1240
Ludlow Corporation, xxxvi 407
New Poor-law, xxxvi 523, 1085, 1282
——— (England), xxxviii 457

Beaumont, Mr.
Address, xxxvi 39

Beet-root Sugar, c. xxxvi 635

Belhaven, Lord
Church Accommodation (Scotland), xxxviii 1746

Bellew, Mr.
Case of Dr. Mulholland, xxxvi 440
Municipal Corporations (Ireland), xxxvi 690, xxxvii 952

Benefit Societies, c. xxxvi 598—[A. 66, N. 142, M. 76] 607

Benett, Mr.
Admission to Freemen, xxxviii 291
Bonded Corn, xxxviii 1677
Church-rates, xxxvii 429
County-rates, xxxvii 1146
Manufacture of Bonded Corn, xxxviii 1455

Beresford, Sir John
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1316

Beresford, Viscount
Form of Petitions, xxxviii 1905

Berkeley, Captain
Affairs of Canada, xxxvii 143
Case of Mr. Lovesey, xxxvii 860, 865, 928
Construction of Men-of-War, xxxviii 1772
Lord's Day, xxxviii 1241
Royal Marines, xxxviii 216
Severn Navigation, xxxvii 1116
Supply—Army Estimates, xxxvii 816, 818 822
Vixen, the—Treaty of Adrianople, xxxvii 640
Vote by Proxy, xxxviii 765

Berkeley, Mr. Craven
Admission of Ladies, xxxviii 1481
Case of Mr. Lovesey, xxxvii 867

Bernal, Mr.
Ballot, the, xxxvii 42
Benefit Societies, xxxvi 606
Church-rates, xxxvii 471
Municipal Corporations (England), xxxviii 1382
Privileges, xxxvi 138, 143

Bethell, Mr.
Bridlington Harbour, xxxviii 675

Bills of Exchange, c. xxxviii 1704, 1923

Blackburne, Mr.
Case of Mr. Charlton, xxxvi 565
Ludlow Corporation, xxxvi 406

Boldero, Captain
Affairs of Spain—Adjourned Debate, xxxviii 16
Military Punishments, xxxvii 882
Navy Estimates, xxxvii 656
Poor-law Amendment, xxxvi 1098
Royal Marines, xxxvii 214
Supply—Army Estimates, xxxvii 794

Boldero, Capt.—*continued.*

Bonded Corn, c. xxxviii 1676—[A. 57, N. 82, M. 25] 1678

Borthwick, Mr.
  Ballot, the, xxxvii 44
  Church-rates, xxxviii 941
  Convocation of the Clergy, xxxviii 458, 461
  Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 857
  Law of Libel Bill, xxxviii 496
  Lord's Day, xxxviii 1238
  Municipal Corporations (Ireland), xxxvi 708
  National Education, xxxviii 1157, 1158
  Navy Estimates, xxxvii 658
  Supply—Miscellaneous Estimates, xxxviii 1629
  Survey of Church Lands, xxxvii 1294

Boundaries of Boroughs Bill, c. xxxviii 1500

Bowring, Dr.
  Address, xxxvi 47
  Burghs of Barony (Scotland), xxxviii 289
  Capital Punishments, xxxviii 916
  Duty on Fire Insurances, xxxviii 1845
  Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 856, 898
  Hand-loom Weavers, xxxviii 1793
  Observance of the Sabbath, xxxviii 543
  Patents, xxxvi 557
  Public Revenues and Accounts, xxxviii 1491, 1492
  Ways and Means—Sugar Duties, xxxviii 1610
  Supply—Miscellaneous Estimates, xxxviii 1628
  Treaties for the Abolition of Slavery, xxxviii 1831

Bradshaw, Mr.
  Offences (Ireland), xxxvi 130

Breach of Privilege, c. xxxvi 1053, *c.* xxxvii 1391, *c.* xxxviii 1581

————————, *Poor-law Committee, c.* xxxvii 1305

————————, *Explanation of Sir E. Codrington, c.* xxxvii 1306

Brevet Promotion, c. xxxvii 286

Bribery at Elections, c. xxxvii 71, *c.* xxxviii 1457

Bridgman, Mr.
  Military Punishments, xxxvii 900

Bridlington Harbour, c. xxxviii 675, *l.* 1806

Brighton Railway—Stephenson's Line, c. xxxvii 1158, 1301

———— *Railways, c.* xxxviii 1101

Brotherton, Mr.
  Admission of Freemen, xxxviii 297
  Capital Punishments, xxxviii 915
  Church-rates, xxxviii 980
  County-rates, xxxvii 1145
  Hand-loom Weavers, xxxviii 1793
  Inclosure Bills—Public Recreation, xxxvii 164
  Lord's Day, xxxviii 1241
  Midnight Legislation, xxxvi 103
  Municipal Corporations (Ireland), xxxvi 863
  ———————— (England), xxxviii 1382
  Poor-law Amendments, xxxvi 1065

Brougham, Lord
  Business of Parliament, xxxviii 1169
  Canada, xxxviii 731
  Church-rates, xxxvi 518, xxxvii 2, 4, 5, 207, 208, 381, 382, 677, 678
  Criminal Laws, xxxviii 1785, 1907
  Desecration of Churches, xxxviii 864
  Education and Charities Bill, xxxviii 1619, 1683
  Form of Petitions, xxxviii 1905
  Imprisonment for Debt, xxxviii 1862
  Improvement of Lands (Ireland)—Poor-laws, xxxviii 226
  Irish Government, xxxviii 1887, 1889
  —— National Association, xxxvi 83
  Message from her Majesty, xxxviii 1552
  Mint, the, xxxvii 797, 798, 799
  Municipal Corporations (Ireland), xxxviii 580, 594
  ———— Reform (England), xxxviii 820
  New Houses of Parliament, xxxvii 1390
  Oxford and Cambridge Statutes, xxxvii 1028
  Parliamentary Electors, xxxviii 1895
  Petitions for Church-rates, xxxvii 554, 555, 557
  Pluralities, xxxvi 79
  Poor-law Amendment Act, xxxvii 852, 857
  —Petition, xxxviii 1652, 1810, 1812
  Private Business, xxxviii 1808
  Public Business, xxxviii 863, 1913
  ————————, Address to the Queen, xxxviii 1575
  ——— Monuments, xxxviii 1710, 1713
  Reform of Parliament (Ireland) Act, xxxviii 1852
  Registration and Marriages, xxxvi 656
  Scotch and Irish Vagrants' Bill, xxxvii 799
  Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 672, 673
  Succession to the Crown, xxxviii 1685, 1758, 1760, 1836
  Trial by Jury (Scotland) Bill, xxxvii 1207
  Wills Bill, xxxvi 984

Bruce, Mr. Cumming
  Burghs of Barony (Scotland), xxxviii 289
  Church of Scotland, xxxviii 643
  Court of Session (Scotland), xxxvii 1152
  Dismissed Officers, xxxvii 1192
  Fictitious Votes (Scotland), xxxvi 648

Bruce, Mr. Cumming—*continued.*
Lord's Day, xxxviii 1240
Municipal Corporations (Scotland), xxxviii 281
Prison Discipline (Scotland), xxxvii 1205

Buckingham, Mr.
Mercantile Marine, xxxvii 164, 190
Merchant Service, xxxvii 1123
—— Shipping, xxxviii 1225
Stafford—New Writ, xxxvi 452

Budget, the, c. xxxviii 1014

Buller, Mr. Charles
Admission to Freemen, xxxviii 292
Affairs of Canada, xxxvii 1268
Ballot, the, xxxvii 54
Canada, xxxviii 246
Case of the Vixen, xxxvi 133
Church-rates, xxxviii 989
Controverted Elections Bill, xxxviii 291, 858
Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 857
Municipal Corporations (Ireland), xxxvi 697
Navy Estimates, xxxvii 657
Penny Stamp on Newspapers, xxxvii 1179
Poor-law (Ireland), xxxviii *cl.* 15, 807—Settlement, 835
Presentation of Petitions, xxxviii 824
Printing Evidence, xxxvi 74
Property Qualification, xxxvi 549
Public Records Bill, xxxviii 463
Spiritual Peers, xxxvi 625
Wigan Rectory, xxxviii 1335

Buller, Mr. Edward
County-rates, xxxvii 1131

Bulwer, Mr. E. L.
Military Punishments, xxxvii 891
Municipal Corporations (Ireland), xxxvi 801
Poor-law Amendment Act, xxxvi 1082
Universities, xxxviii 512

Bulwer, Mr. H. L.
Affairs of Spain, xxxvii 1411, 1418
Australia, xxxviii 1708
Lord's Day, xxxviii 1238
Municipal Corporations (Ireland), xxxvii 953, 958

Burdett, Sir Francis
Church-rates, xxxviii 961

Burdon, Mr.
Municipal Corporations Act, xxxvi 647

Burghs of Barony (Scotland), c. xxxviii 288

Burrell, Sir Charles
Affairs of Spain—Adjourned Debate, xxxviii 14

Burrell, Sir Charles—*continued.*
Capital Punishments, xxxviii 924
Church-rates, xxxvii 548
Voting for Private Bills, xxxviii 805

Business of the House, c. xxxvii 1208, *c.* xxxviii 907

——*Parliament, l.* xxxviii 1169

Bute, Marquess of
Poor-law Amendment Act, xxxvii 1300

Butler, Colonel
Municipal Corporations (Ireland), xxxvi 332

Buxton, Mr. Fowell
Capital Punishments, xxxviii 914
Church-rates, xxxvii 361, xxxvii 1018
Lord's Day, xxxviii 1241
Slavery, xxxviii 1853, 1854
Texas, xxxvii 201

Byng, Mr. George
County-rates, xxxvii 1131

Callaghan, Mr.
Poor-laws (Ireland), xxxviii 453
Reform (Ireland) Act, xxxviii 1745
Supply—Miscellaneous Estimates, xxxviii 1629

Camden, Marquess of
Oxford and Cambridge Statutes, xxxvii 1015
Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 668

Campbell, Mr. W.
Church of Scotland, xxxviii 651

Camperdown, Earl of
Church Accommodation (Scotland), xxxviii 1749

Canada, c. xxxvii 1209, *c.* xxxviii 198—Committee, 230—Conference, *l.* 405, 707, 863, *c.* 865, 1845

——, *Protest against Lord Glenelg's Resolutions by Lord Brougham, l.* xxxviii 748

Canadas, the, l. xxxvii 557

Canning, Sir Stratford
Affairs of Spain, xxxvii 1353—Adjourned Debate, xxxviii 119
Foreign Diplomacy, xxxviii 1501, 1504
Poor-law Amendment Act, xxxvi 1086

Canterbury, Archbishop of
Church-rates, xxxvii 147
Oxford and Cambridge Statutes, xxxvii 1015
See of Bangor, xxxvii 665

Canterbury, Viscount
  Ecclesiastical Appointments, xxxviii 1906

Capital Punishments, c. xxxviii 907

Carlow Election, c. xxxvi 1280

Carnarvon, Earl of
  War in Spain, xxxviii 1474

Case of Mr. Charlton, c. xxxvi. 565—Report, 586

——— *Dillon, c.* xxxvi 558

——— *Lovesey, c.* xxxvii 858, 927

—— *the Vixen, c.* xxxvi 133

Catholic Places of Worship, c. xxxvi 562

Cave, Mr. Otway
  Affairs of Spain—Adjourned Debate, xxxviii 2, 4

Cayley, Mr.
  Church-rates, xxxvii 422
  Joint-stock Banks, xxxvi 186

Chalmers, Mr.
  Municipal Corporations (Scotland) xxxviii 286
  Poor-law (Ireland)—Settlement, xxxviii 850

Chancellor of the Exchequer, the, (Right Hon. T. Spring Rice)
  Affairs of Canada, xxxvii 139
  Ballot, the, xxxvii 61, 67
  Bank of Ireland, xxxvi 772
  Bills of Exchange, xxxviii 1704
  Breach of Privilege, xxxvi 1057
  Budget, the, xxxviii 1714, 1730, 1731, 1735
  Case of Mr. Dillon, xxxvi 560
  Church-rates, xxxvi 1207, 1252, 1264, 1265, 1266, 1267, 1268, 1269, xxxvii 470, 471, 530, 537, 538, xxxviii 1034
  ——— Leases, xxxviii 1428
  Common Law Courts, xxxviii *cl.* 10, 1245, 1671
  Compensation to the late Speaker, xxxviii 1798, 1801, 1802
  Corn-laws, xxxvii 605
  Court of Exchequer (Scotland), xxxvi 101
  Depredations on Railways, xxxvi 1202
  Distress in Scotland, xxxvii 924, 925
  Duty on Soap, xxxvii 747
  ——— Fire Insurances, xxxviii 1844
  Fictitious Votes (Scotland), xxxvi 128
  Foreign Grain, xxxviii 467
  French Compensation Fund, xxxviii 1082
  Gunpowder Explosion in Limerick, xxxvi 1200
  Imprisonment for Debt, xxxvii *cl.* 12, 831
  Joint-stock Banks, xxxvi 155, 198
  Law of Copyright, xxxviii 879
  Lord's Day, xxxviii 1241
  Millbank Penitentiary, xxxvi 1173

Chancellor of the Exchequer—*continued.*
  Missing Whale Ships, xxxvi 772
  Municipal Corporations (Ireland) Bill, xxxvii *cl.* 96, 674, 981
  Penny Stamp on Newspapers, xxxvii 1164, 1170
  Poor-law Amendment, xxxvi 1094, 1098, 1102
  ——-laws (Ireland), xxxviii 701
  Post-office, xxxvii 810
  ——— Duties, xxxviii 759
  ——— Regulations, xxxvi 1188
  Printing Evidence, xxxvi 75
  Privilege—Glasgow Writ, xxxviii 1104
  Public Business—Address, xxxviii 1605
  ——— Records Bill, xxxviii 464
  Qualification of Members, xxxvii 807
  Railways—Jobbing by Members, xxxvi 860 1162
  Reform Act—Rates and Taxes, xxxvii 203, 205
  Royal Marines, xxxvii 217
  —— Mint, the, xxxvi 1170
  Stamp Duties on Freedom Certificates, xxxvi 1102
  ——— Marine Assurances, xxxvi 1192
  Succession to the Crown, xxxviii 1685
  Supply, xxxvii 655
  ———Miscellaneous Estimates, xxxviii 1611, 1613, 1627—Museum, 1739, 1763
  Taxes on Internal Communication, xxxviii 866
  Tobacco Duties, xxxvii 765
  Turnpike Roads, xxxvi 1197
  Universities, xxxviii 517
  Ways and Means, xxxviii 852, 853, 856
  ——— Sugar Duties, xxxviii 1608, 1609
  Window Tax, xxxviii 505

Chancellor, the Lord (the Right Hon. Lord Cottenham)
  Criminal Laws, xxxviii 1908
  Imprisonment for Debt, xxxviii 1861
  Mint, the, xxxvii 799
  Municipal Corporations' Act Amendment, xxxviii 1100, 1498, *cl.* 13, 1499
  ——— (England), xxxviii *cl.* 1, 406, *cl.* 13, 407
  Prorogation, xxxviii 1922
  Recovery of Presentations, xxxviii 1808, 1809
  Reform of Parliament (Ireland) Act, xxxviii 1851
  Registration and Marriage Acts, xxxvi 656, xxxviii 1675, 1680
  Scotch and Irish Vagrants' Bill, xxxvii 799
  Small Debts (Scotland), xxxviii 1247
  Succession to the Throne, xxxviii 1757, 1840
  Trial by Jury (Scotland) Bill, 37, 1207
  Wills Bills, xxxvii 98

Chandos, Marquess of
  Manufacture of Bonded Corn, xxxviii 1455
  Corn-laws, xxxvii 592, 595

Chapman, Mr. Montague
  County Boards, xxxvi 428

Chapman, Mr. Aaron
  Bridlington Harbour, xxxviii 677
  Men-of-War Wrecked, xxxvii 692
  Mercantile Marine, xxxvii 188
  Merchant Shipping, xxxviii 1224

Charlton, Mr. Lechmere, c. xxxvi 19, 63, 129

Charlton, Mr. Lechmere
  Ludlow Charity Trusts, xxxviii 880

Chetwynd, Captain
  Admission of Ladies, xxxviii 1482
  Stafford New Writ, xxxvi 445, 448
  Supply—Army Estimates, xxxvii 790, 793

Chief Baron Joy, l. xxxviii 796

Chichester, Earl of
  New Poor-law, xxxviii 1813

Church Leases c. xxxviii 1384, 1621

——— *of Ireland, c.* xxxvi 205

——— *Scotland, c.* xxxviii 602, *l.* 1746. *c.* 1854

——— *rates, l.* xxxvi 518 *c.* 1207,—xxxvii *l.*—Question, 1 Petitions, 147 Petitions,207—*c.* Question, 212—Committee, 296—*l.* Petitions, 381—*c.* Adjourned Debate, 383, 466—*l.* Petitions, 675 xxxviii *c.* 929, 980

Clanricarde, Marquess of
  Improvement of Lands (Ireland)—Poor-laws, xxxviii 218
  Irish Measures, xxxviii 1682
  Municipal Corporations (Ireland), xxxvi 654, 655
  Protestant Petition, xxxviii 326

Clay, Mr.
  Budget, the xxxviii 1733
  Corn-laws, xxxvii 562
  Foreign Grain, xxxviii 471
  Hand-loom Weavers, xxxviii 1793
  Joint-Stock Banks, xxxvi 184
  Manufacture of Foreign Corn, xxxvii 687
  Royal Mint, the, xxxvi 1169

Clayton, Sir R. W.
  Marlow Church-rates, xxxvi 567

Clements, Viscount
  Grand Juries (Ireland), xxxvi 433
  Municipal Corporations (Ireland), xxxvi 282, 464
  Poor-laws (Ireland), xxxviii 428, *cl.* 15, 812, 813—Settlement, 837
  Supply—Miscellaneous Estimates, xxxviii 1628

Clerk, Sir George
  Address, xxxvi 68
  Burghs of Barony (Scotland), xxxviii 288, 290,
  Church of Scotland, xxxviii 619
  Court of Exchequer (Scotland), xxxvi 100
  ——— Session (Scotland), xxxvii 1152, 1153, xxxviii 359
  Fictitious Votes (Scotland), xxxvi 121, 652
  Fourdrinier's Patent, xxxviii 1494
  Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 857
  Ludlow Corporation, xxxvi 409
  Municipal Corporations (Ireland), xxxvi 277
  Public Business—Address, xxxviii 1602

Clive, Viscount
  Case of Mr. Charlton, xxxvi 566
  Longford Election, xxxviii 750

Clive, Mr. Edward
  Ludlow Corporation, xxxvi 409

Clive, Mr. Robert
  Municipal Corporations (Scotland), xxxviii 282
  Severn Navigation, xxxvii 1120

Cloncurry, Lord
  Irish National Association, xxxvi 80, 83
  Municipal Corporations (Ireland), xxxv 653, 654, 655
  Protestant Petition, xxxviii 356

Codrington, Sir Edward
  Breach of Privilege—Explanation by, xxxvii 1306, 1307, 1314, 1315, 1317, 1318, 1323, 1325, 1326, 1328
  Brevet Promotion, the, xxxvi 292
  Bridlington Harbour, xxxviii 679
  Dismissed Officers, xxxvii 1184, 1194, 1196
  Manufacture of Foreign Corn, xxxvii 688
  Mercantile Marine, xxxvii 189
  Merchant Shipping, xxxviii 1224
  Naval Officers, xxxviii 1832
  Navy Estimates, xxxvii 912, 913
  Royal Marines, xxxvii 215
  Supply—Miscellaneous Estimates, xxxviii 1611
  Vixen, the—Treaty of Adrianople, xxxvii 629

Colchester, Lord
  Bridlington Harbour Bill, xxxviii 1807
  Poor-law Amendment Act, xxxvii 885

Colonel Bradley, c. xxxviii 1150

Colonial Banks, c. xxxvi 634

Colville, Lord
  Bridlington Harbour Bill, xxxviii 1808

Commercial Distress—The Currency, c. xxxviii 1189

Colville, Lord,—*continued.*
Commissions, c. xxxvii 72, xxxviii *c.* 1489

Common Law Courts, c. xxxviii 1244, 1671, *l.* 1702

Compensation to the late Speaker, c. xxxviii 1798, 1801

Condolence to the Queen Dowager, c. xxxviii 1564

Conduct of Members, c. xxxvi 769

——— *the Army—Buenos Ayres, c.* xxxviii 775

Conolly, Colonel
  Catholic Places of Worship, xxxvi 564
  Municipal Corporations (Ireland), xxxvi 291, 350
  Poor-law (Ireland), xxxviii 405

Consolidated Fund Bill, l. xxxviii 454

Conspiracy in Ireland, l. xxxvii 1388

Construction of Men of War, c. xxxvii 1770

Consular Agent at Cracow, c. xxxvii 701

Controverted Elections Bill, c. xxxviii 290, 858

Convocation of the Clergy, c. xxxviii 458

Conyngham, Marquess of
  Answer to the Address, xxxvi 91

Copeland, Mr. Alderman
  Imprisonment for Debt, xxxvii *cl.* 12, 831
  Post-office Duties, xxxviii 759

Corn-laws, c. xxxvii 562—[A. 89, N. 223, M. 134] 615

County Boards, c. xxxvi 415

——— *-rates, c.* xxxvii 1152

——— *Treasurers, c.* xxxviii 1762

Court of Exchequer (Scotland), c. xxxvi 99, 411

——— *Session (Scotland), c.* xxxvi 411, 1202, xxxvii *c.* 1152, xxxviii *c.* 359

Crawford, Mr. W.
  Brighton Railways, xxxviii 1102
  Joint-Stock Banks, xxxvi 189

Crawford, Mr. Sharman
  Municipal Corporations (Ireland) Bill, xxxvii *cl.* 96, 672
  Offences against the Peace (Ireland), xxxviii 1078

Crawford, Mr. Sharman,—*continued.*
  Poor-laws (Ireland), xxxviii 383, 691, *cl.* 15, 806, *cl.* 20, 815, *cl.* 26, 1097, *cl.* 36, 1163
  Public Business—Address, xxxviii 1607
  Tithes (Ireland), xxxviii 463, 656, 1370

Creating Fictitious Votes, c. xxxvii 160

Criminal Laws, c. xxxvi 89, xxxvii *c.* 709, *l.* xxxviii 1773, 1907, *c.* 1915

Cripps, Mr.
  Poor-law Amendment, xxxvi 1067

Crown Solicitors (Ireland), l. xxxviii 1751

Cumberland, Duke of
  Municipal Corporations (Ireland), xxxviii 1326, 1327

Curteis, Mr. H.
  Address, xxxvi 42
  Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1327
  Brighton Railway — Stephenson's Line, xxxvii 1159, 1161, 1301
  ———Railways, xxxviii 1102
  London and Brighton Railways, xxxviii 1215, 1217, 1221

Curteis, Mr. E.
  Affairs of Spain—Adjourned Debate, xxxviii 14

Custody of Infant Children, c. xxxviii 277

Dacre, Lord
  Reform of Parliament (Ireland) Act, xxxviii 1851

Dalbiac, Sir Charles
  Military Punishments, xxxvii 904
  Supply—Army Estimates, xxxvii 793

Darlington, Earl of
  Brevet Promotion, the, xxxvii 289
  Corn-laws, xxxvii 595
  Manufacture of Bonded Corn, xxxviii 1456
  Severn Navigation, xxxvii 1116
  Wigan Rectory, xxxviii 1332

Demise of his Majesty King William the Fourth, l. xxxviii 1545

Denbigh, Earl of
  Protection of Property—Railways, xxxvi 519

Denman, Lord
  Common Law Courts, xxxviii 1711
  Criminal Laws, xxxviii 1773, 1790, 1908
  Municipal Corporations (England), xxxviii *cl.* 1, 406

Denman, Lord—*continued.*
Privileges—The Commons, xxxviii 1158, 1213
Punishment of Death, xxxviii 1859

Succession to the Crown, xxxviii 1841
Depredations on Railways, c. xxxvi 1201
Desecration of Churches, l. xxxviii 864

Devon, Earl of
Improvement of Lands (Ireland)—Poor-laws, xxxviii 223
Punishment of Death, xxxviii 1861
Receiving Printed Petitions, xxxvii 211

D'Eyncourt, Mr. Tennyson
Church-rates, xxxvi 1274
Repeal of the Septennial Act, xxxviii 680
Vote by Proxy, xxxviii 765

Dismissed Officers, c. xxxvii 1184
Dissolution of Parliament on the Demise of the Crown, l. xxxviii 1685
Distress in Scotland, c. xxxvii 924

Divett, Mr.
Stafford—New Writ, xxxvi 445

Divisions, List of
Admission of Freemen, [A. 45, N. 82, M. 37] xxxviii 793
———— Ladies, [A. 92, N. 116, M. 24] xxxviii 1483
———— Strangers to the House, [A. 11, N. 172, M. 161] xxxvi 60
Affairs of Canada, [A. 144, N. 16, M. 128] xxxvii 144—5th Resolution, [A. 269, N. 46, M. 223] 1290
———— Spain—Adjourned Debate, [A. 278, N. 242, M. 36] xxxviii 120
Ballot, the, [A. 153, N. 265, M. 112] xxxvii 67
Benefit Societies, [A. 66, N. 142, M. 76] xxxvi 607
Bonded Corn, [A. 57, N. 82, M. 25] xxxviii 1678
Brevet Promotion, [A. 17, N. 66, M. 49] xxxvii 293
Canada—Motion to go into Committee, [A. 182, N. 29, M. 153] xxxviii 216—7th Resolution, [A. 73, N. 14, M. 59] 232—8th Resolution, [A. 118, N. 32, M. 86] 248
Capital Punishments, [A. 73, N. 72, M. 1] xxxviii 922
Church of Scotland, [A. 217, N. 176, M. 41] xxxviii 652
———— Leases, [A. 265, N. 291, M. 26] xxxviii 1434
———— rates, [A. 273, N. 250, M. 23] xxxviii 549—[A. 287, N. 282, M. 5] xxxviii 1073
Colonel Bradley, [A. 34, N. 81, M. 47] xxxviii 1156
Commercial Distress—The Currency [A. 85, N. 24, M. 61] xxxviii 1208

Divisions—*continued.*
Commissions, [A. 20, N. 74, M. 54] xxxviii 1490
Common Law Courts, [A. 30, N. 12, M. 18] xxxviii 1245—[A. 39, N. 17, M. 22] 1673
Compensation to the late Speaker, [A. 23, N. 68, M. 45] xxxviii 1805
Convocation of the Clergy, [A. 19, N. 24, M. 5] xxxviii 461
Corn-laws, [A. 89, N. 223, M. 134] xxxvii 615
County-rates, [A. 84, N. 177, M. 93] xxxvii 1150
Dismissed Officers, [A. 46, N. 153, M. 107] xxxvii 1197
East-India Maritime Officers—Petition, [A. 45, N. 30, M. 15] xxxvii 763
———————— Bill, [A. 47, N. 31, M. 16] xxxviii 788—[A. 32, N. 68, M. 36] 1453
Ecclesiastical Appointments — Lords' Amendments, [A. 47, N. 11, M. 36] xxxviii 1910
Excise Acts—(Beet-root Sugar), [A. 79, N. 19, M. 60] xxxviii 1670
Execution of Wills, *cl.* 7, [A. 80, N. 2, M. 78] xxxviii 1667, *cl.* 9, [A. 15, N. 65, M. 50] 1668
Final Registration of Electors, [A. 49, N. 9, M. 40] xxxviii 1680, [A. 70, N. 17, M. 53] 1702, [A. 62, N. 41, M. 21] 1769
First Fruits, [A. 63, N. 171, M. 108] xxxviii 539
Foreign Grain, [A. 43, N. 108, M. 65] xxxviii 476
Forgery Bill, [A. 36, N. 60, M. 24] xxxviii 1663
Freemen and Electors, [A. 55, N. 30, M. 25] xxxviii 1768
French Compensation Fund, [A. 39, N. 49, M. 10] xxxviii 1084
Glasgow and Ayr Railway—Travelling on the Sabbath, [A. 51, N. 47, M. 4] xxxviii 858, [A. 83, N. 115, M. 32] 905
Hackney Coaches' Bill, [A. 28, N. 8, M. 20] xxxvii 796
Hand-loom Weavers, [A. 82, N. 39, M. 43] xxxviii 826, [A. 53, N. 45, M. 87] 1797
Imprisonment for Debt, [A. 27. N. 39, M. 12] xxxvii 699—Clause 12, [A. 71, N. 22, M. 49] 833—Clause 13, [A. 12, N. 37, M. 25] 834—3rd Reading [A. 20, N. 58, M. 38] 1742
Joint-stock Banks, [A. 121, N. 42 M. 79] xxxvi 202
Law of Libel Bill, [A. 47, N. 55, M. 8] xxxviii 501
Letter Carriers, [A. 19, N. 35, M. 16] xxxviii 1485
London and Brighton Railways, [A. 33, N. 71, M. 38] xxxviii 1221
Lord's Day, [A. 110, N. 66, M. 44] xxxviii 1242
Manufacture of Bonded Corn, [A. 53, N. 42, M. 11] xxxviii 1457
———————— Foreign Corn, [A. 39 N. 28, M. 11] xxxvii 690

Divisions—*continued.*

Members acting as Parliamentary Agents, [A. 52, N. 54, M. 2] xxxviii 1244
Men-of-War Wrecked, [A. 13, N. 45, M. 32] xxxvii 694
Merchant Shipping, [A. 28, N. 176, M. 148] xxxviii 1225
Midnight Legislation, [A. 61, N. 147, M. 86] xxxvi 106
Military Punishments, [A. 167, N. 72, M. 95] xxxvii 905
Municipal Corporations Act Amendment, [Contents, 44, Not-Contents, 49, M. 5] xxxviii 1100
——— (England), Contents, 24, Not-Contents 37, M. 13] xxxviii 407
——— (Scotland), [A. 27, N. 43, M. 16] xxxvii 456
——— (Ireland) [A. 242, N. 322, M. 80] xxxvi 958—Bill, *cl.* 96, [A. 65, N. 5, M, 60] xxxvii 674—Motion to Adjourn Debate [A. 286, N. 232, M. 54] 997—3rd Reading, [A. 302, N. 247, M. 55] 1110—[Contents, 192, Not-Contents, 115, M. 77] xxxviii 599—[Contents 119, Not-Contents, 205, M. 86] 1329
Naval Officers, [A. 21, N. 19, M. 2] xxxviii 1835
Observance of the Sabbath, [A. 199, N. 53, M. 146] xxxviii 545
Offences against the Peace (Ireland), [A. 5, N. 87, M. 82] xxxviii 1080
——— Person, [A. 36, N. 60, M. 24] xxxviii 1663
Payment of Rates, [A. 29, N. 9, M. 20] xxxviii 816
Penny Stamp on Newspapers, [A. 42, N. 81, M. 39] xxxvii 1183
Poor-laws, [A. 152, N. 1[illegible]4, M. 28] xxxvi 1284—[A. 1109, N. 30, M. 89] xxxviii 1539
——— (Ireland) *cl.* 20, [A. 11, N. 77, M. 66] xxxviii 815—Settlement, [A. 68, N. 120, M. 52] 850—*cl.* 43, [A. 112, N. 36, M. 86] 1210—*cl.* 47, A. 13, N. 109, M. 96] 1211
Post Office, [A. 12, N. 28, M. 16] xxxviii 657
Primogeniture, [A. 21, N. 54, M. 33] xxxvii 740
Privilege, [A. 18, N. 131, M. 113] xxxviii 197
Property Qualification, [A. 104, N. 133, M. 29] xxxvi 552
Publication of Privileged Papers, [A. 126, N. 36, M. 90] xxxviii 1134
Rate-paying Clauses of the Reform Act, the, [A. 166, N. 73, M. 93] xxxviii 783
Rating of Tenements, [A. 73, N. 45, M. 28] xxxviii 1495
Recovery of Tenements, [A. 93, N. 2, M. 91] xxxviii 1461
Reform Act—Rates and Taxes, [A. 49, N. 38, M. 11] xxxvii 206
Repeal of the Septennial Act, [A. 87 N. 96, M. 9.] xxxviii 688.

Divisions—*continued.*

Severn Navigation—2nd Reading, [A. 124, N. 151, M. 27] xxxvii 1121
Sheriffs' Court, [A. 50, N. 14, M. 36] xxxviii 1459
Spiritual Peers, [A. 92, N. 197, M. 105] xxxvi 630
Supply—Army Estimates, [A. 11, N. 48, M. 37] xxxvii 791—[A. 42, N. 16, M. 26] 795—[A. 72, N. 26, M. 46] 822—*Miscellaneous Estimates,* [A. 52, N. 12, M. 40] xxxviii 1629
Texas, [A. 28, N. 41, M. 13] xxxvii 202
Tithes (Ireland), [A. 126, N. 7. M. 119] xxxviii 656—2nd Reading, [A. 229, N. 14, M. 215] 1379
Vote by Proxy, [A. 129, N. 81, M. 48] xxxviii 772
Wigan Rectory, [A. 112, N. 59, M. 53] xxxviii 1336
Window Tax, [A. 48, N. 206, M. 158] xxxviii 507

Divisions in Committees, c. xxxvi 61

Donoughmore, Earl of
  Protestant Petition, xxxviii 332

Downshire, Marquess of
  Protestant Petition, xxxviii 299
  Want of Churches (Ireland), xxxvii 1155

Dropped Orders, c. xxxviii 1095

Dublin, the Archbishop of
  Education Board (Ireland), xxxviii 926
  ——— in Ireland, xxxvi 1136
  Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 926

Dublin Police, l. xxxviii 454, 1088, *c.* 1462

Dugdale, Mr.
  Depredations on Railways, xxxvi 1201

Duncannon, Viscount
  Dublin Police, xxxviii 1089
  Execution at Gloucester, xxxviii 928
  Mint, the, xxxvii 798
  New Houses of Parliament, the, xxxvii 1389, 1390
  Parliamentary Electors, xxxviii 1894, 1895
  Penitentiary (Millbank), xxxviii 549
  Poor-laws (Ireland), xxxviii 1246
  Post-office, xxxviii 1099
  ——— Bills, xxxviii 1464
  Reform of Parliament (Ireland) Act, xxxviii 1850

Duncombe, Mr. T.
  Benefit Societies, xxxvi 605
  Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1320
  Brighton Railway — Stephenson's Line, xxxvii 1158, 1160, 1161
  Church-rates, xxxvi 1273

Duncombe, Mr. T.—*continued.*
Colonel Bradley, xxxviii 1150
Compensation to the late Speaker, xxxviii 1805
False Subscriptions for Railways, xxxvii 160
Military Punishments, xxxvii 897, 901
New Poor-law (England), xxxviii 457
Poor-laws, xxxvi 1284
Portland Cemetery, xxxviii 1248
Post-office Duties, xxxviii 759
Privilege, xxxviii 194
Publication of Privileged Papers, xxxviii 1127, 1298
Rate-paying Clauses of the Reform Act, xxxviii 781
Reform Act—Rates and Taxes, xxxvii 203
Sale of Beer, xxxvii 774
Standing Orders, xxxviii 1901
Supply—Army Estimates, xxxvii 793
Survey of Church Lands, xxxvii 1199, 1293, 1295
Vote by Proxy, xxxviii 760
Western Railway — Paddington Estate, xxxvii 678

Duncombe, Mr. W.
Conduct of Members, xxxvi 771

Dundas, Captain
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1316
Construction of Men-of-War, xxxviii 1772
Naval Officers, xxxviii 1831

Dunlop, Mr.
Burghs of Barony (Scotland), xxxviii 289
Church of Scotland, xxxviii 651
Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 856, 899

Durham, Earl of
Bridlington Harbour Bill, xxxviii 1807

Duty on Soap, c. xxxvi 741

——— *Fire Insurances, c.* xxxviii 1844

East-India Maritime Officers, c. xxxvii 702

——————— *Bill, c.* xxxviii 785, 1452

Ebrington, Viscount
County-rates, xxxvii 1130
Property Qualification, xxxvi 549

Ecclesiastical Appointments, c. xxxviii 1902, *l.* 1905—Lords' Amendments, 1908

Education Board (Ireland), l. xxxviii 926

——————— *(Ireland)—Explanation, l.* xxxvii 662

——— *in Ireland, c.* xxxvi 414, *l.* 1105

——— *and Charities Bill, l.* xxxviii 1618, 1683

Egerton, Lord F.
Affairs of Spain, xxxvii 1375
Municipal Corporations (Ireland), xxxvi 657, xxxvii 1071
Property Qualification, xxxvi 545
Spain, xxxvii 244

Ellenborough, Lord
Attendance before Committees, xxxviii 1773
Church-rates, xxxvii 1, 3
Common Law Courts, xxxviii 1712
Dublin Police, xxxviii 454, 1089
Lords Justices Bill, xxxviii 1842
Municipal Corporations (Ireland), xxxvii 1158
Poor-law Amendment Act, xxxvii 1298—Petition, 1822
Post-office Bills, xxxviii 1463
Privileges—Commons' Resolutions, xxxviii 1213
——— The Commons, xxxviii 1158
Registration and Marriage Acts, xxxvi 633, xxxviii 1675

Elley, Sir John
Affairs of Spain, xxxvii 1457
Brevet Promotion, xxxvii 289, 290

Ellis, Mr. E.
Wigan Rectory, xxxviii 1333

Elphinstone, Mr.
Ballot, the, xxxvii 39

Established Church, l. xxxvii 757

Estcourt, Mr.
Ecclesiastical Appointments, xxxviii 1910
Foreign Grain, xxxviii 474
Municipal Corporations Act Amendment, xxxviii 1918
Police Magistrates, xxxvii 294, 295
Reform (Ireland) Act, xxxviii 1745
Universities, xxxviii 529

Ewart, Mr.
Admission of Strangers, xxxvi 58, 59
Benefit Societies, xxxvi 605
Canada, xxxviii 247
Capital Punishments, xxxviii 908, 922
Corn-laws, xxxvii 594, 595
County-rates, xxxvii 1164
——— Boards, xxxvi 417
Criminal Laws, xxxvii 733
Imprisonment for Debt, xxxvi 151, 152
Midnight Legislation, xxxvi 104
Military Punishments, xxxvii 887
Offences against the Person, xxxviii 257
Patent Laws, xxxvi 557
Primogeniture, xxxvii 734
Printing Evidence, xxxvi 78
Supply—Army Estimates, xxxvii 794, 814
Tobacco Duties, xxxvii 764
Vixen, the—Treaty of Adrianople, xxxvii 628

Excise Department, c. xxxviii 1449

Ewart, Mr.—*continued.*

Excise Acts (Beet-root Sugar), c. xxxviii 1668

Execution at Gloucester, l. xxxviii 795, 928

——— *of Wills, c.* xxxviii 1663

Exeter, Bishop of
  Attendance before Committees, xxxviii 1772
  Church-rates, xxxvii 5, 209, 383
  Education in Ireland, xxxvi 1109
  ———(Ireland)—Explanation, xxxvii 662
  Poor-law Act, xxxviii 1138, 1148—Petition, 1811, 1896, 1897, 1898
  ——— Amendment Act, xxxvii 835, 837

Expenses at Elections, c. xxxvi 432

Explanation, c. xxxvii 858

Factories' Act, the, c. xxxvii 665

Fairs and Markets, c. xxxviii 547

Falmouth, Earl of
  Church-rates, xxxvii 211
  Municipal Corporations (Ir.), xxxviii 594
  ——— Reform (England), xxxviii 820

False Subscriptions for Railways, c. xxxvii 160

Fancourt, Major
  Military Punishments, xxxvii 868, 880

Fazakerley, Mr.
  Breach of Privilege—Poor-law Committee, xxxvii 1305
  Poor-laws, xxxviii 1518

Fector, Mr.
  Spain, xxxvii 244

Ferguson, Sir Ronald
  County Treasurers (Ireland), xxxviii 1762
  Poor-law (Ireland), xxxviii *cl.* 26, 1097
  Sale of Beer, xxxvii 773

Fergusson, Mr. Cutlar
  Affairs of Spain—Adjourned Debate, xxxviii 23
  Burghs of Barony (Scotland), xxxviii 289
  Capital Punishments, xxxviii 925
  Church of Scotland, xxxviii 648
  Court of Session (Scotland), xxxvi 412
  Depredations on Railways, xxxvi 1202
  Fictitious Votes (Scotland), xxxvi 121
  Irish and Scotch Vagrants, xxxvi 584
  Military Punishments, xxxvii 876
  Printing Evidence, xxxvi 141
  Spain, xxxvii 238, 247
  Supply—Army Estimates, xxxvii 793

Fictitious Votes (Scotland), c. xxxvi 108, 648

——— *(Ireland), c.* xxxvi 203

Fielden, Mr.
  New Poor-law (England), xxxviii 455, 456
  Poor-law Amendment, xxxvi 1012

Final Registration of Electors, c. xxxviii 1679, 1702, 1769 *l.* 1835

Finch, Mr.
  Hand-loom Weavers, xxxviii 1796
  Imprisonment for Debt, xxxvii *cl.* 12, 696
  Lord's Day, xxxviii 1237
  Municipal Corporations (Ireland), xxxvii 1059
  Travelling on the Sabbath, xxxviii 990

Fingall, Earl of
  Address, xxxvi 4
  Education in Ireland, xxxvi 1160
  Marriage and Registration Acts, xxxviii 1676
  Protestant Petition, xxxviii 354
  Public Works (Ireland), xxxviii 1448

Finn, Mr.
  Conduct of Members, xxxvi 771

First Fruits, c. xxxviii 530

Fisheries on the coast of France, xxxvi 410

Fitzgerald and Vesci, Lord
  Chief Baron Joy, xxxviii 798
  Dublin Police, xxxviii 1089
  Improvement of Lands (Ireland), xxxviii 795
  Municipal Corporations (Ireland), xxxviii 560
  Public Works (Ireland), xxxviii 1445

Fitzroy, Mr. H.
  Church-rates, xxxviii 983

Fitzwilliam, Earl of
  Church-rates, xxxvii 157
  Established Church, xxxvi 757
  New Poor-law, xxxviii 297, 299
  Poor-law Act, xxxviii 1145—Petition, 1847
  ———Amendment Act, xxxvii 1297
  Poor-laws (Ireland), xxxviii 1246

Fleetwood, Mr.
  Railways—Jobbing by Members, xxxvi 859

Fleming Mr.
  Correcting Fictitious Votes, xxxvii 161

Follett, Sir William
  Affairs of Spain—Adjourned Debate, xxxviii 46
  Church-rates, xxxvii 383
  Imprisonment for Debt, xxxvi 1176
  Municipal Corporations' Act, xxxvi 88, 572, 576, 578, 580, 642
  Printing Evidence, xxxvi 141

Forbes, Mr.
  Burghs of Barony (Scotland), xxxviii 289
  Fictitious Votes (Scotland), xxxvi 129

Forbes, Mr.—*continued.*
Municipal Corporations (Ireland) xxxviii 287
Payment of Rates, xxxviii 816
Prison Discipline (Scotland), xxxvii 1206
Stamp Duties on Freedom Certificates, xxxvi 1103

Foreign Diplomacy, c. xxxviii 1501

——— *Grain, c.* xxxviii 465

——— *Officers, c.* xxxviii 1496

Forgery Bill, c. xxxviii 252, 1660

Form of Petitions, l. xxxviii 1904

Forster, Mr.
Benefit Societies, xxxvi 606
Church-rates, xxxvi 1269

Fourdrinier's Patent, c. xxxviii 1492

France, Trade with, c, xxxviii 1903

Freemen and Electors, c. xxxviii 1767

Fremantle, Sir T.
Compensation to the late Speaker, xxxviii 1804
Fictitious Votes (Scotland), xxxvi 650
Irish and Scotch Vagrants, xxxvi 584
Stafford—New Writ, xxxvi 450
Western Railway—Paddington Estate, xxxvii 678

French Compensation Fund, c. xxxviii 1081

French, Mr.
Grand Juries (Ireland), xxxvi 96, 434
Municipal Corporations' Act Amendment, xxxvi 644, 645, 646
——————— (Ireland) Bill, xxxvii *cl.* 96, 674
Repeal of the Septennial Act, xxxviii 682

Freshfield, Mr.
Explanation, xxxvii 858
Imprisonment for Debt, xxxvi *cl.* 12, 1185
Parliamentary Agents, xxxvii 458
Standing Orders, xxxviii 1902

Gaskell, Mr. James Milnes
Boundaries of Boroughs Bill, xxxviii 1500
Municipal Corporations (Irel'd), xxxvii 969

General Turnpike Trusts, c. xxxviii 789

Gillon Mr.
Budget, the, xxxviii 1732
Church of Scotland, xxxviii 626
——— rates, xxxvi 1273
Duty on Soap, xxxvii 741, 749
Hand-loom Weavers, xxxviii 1794
London and Brighton Railways, xxxviii 1219
Military Punishments, xxxvii 885

Gillon, Mr.—*continued.*
Mulholland, case of Dr., xxxvi 439
Railways, xxxvi 1161
Taxes on Internal Communication, xxxviii 865

Gi s rne, Mr.
Address, xxxvi 44
Church-rates, xxxvii 466
Joint-stock Banks, xxxvi 175
Railways—Jobbing by Members, xxxvi 860

Gladstone, Mr. William
Abduction of an Elector, xxxviii 1856
Affairs of Canada, xxxvii 95
Church-rates, xxxvii 489
Freemen and Electors, xxxviii 768
Kafir War, xxxviii 1799

Glasgow and Ayr Railway—Travelling on the Sabbath, c. xxxviii 856, 898

Glenelg, Lord
Canada, xxxviii 707
Canadas, the xxxvii 561
Van Diemen's Land — Colonel Arthur, xxxviii 1137

Glengall, Lord
Irish Fisheries, xxxviii 1450
—— Government, xxxviii 1886
Protestant Petition, xxxviii 334

Gloucester, Bishop of
Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 671, 673

Gordon, Captain
Dismissed Officers, xxxvii 1193
Prison Discipline (Scotland), xxxvii 1206

Goring, Mr.
Church-rates, xxxvi 1261
County Boards, xxxvi 430
Supply—Army Estimates, xxxvii 794
Treaties for the Abolition of Slavery, xxxviii 1829

Goulburn, Mr.
Army Estimates, xxxvii 661
Capital Punishments, xxxviii 923, 926
Church Leases, xxxviii 1399, 1433, 1621, 1622
——— -rates, xxxvi 1265, 1266, xxxvii 368
Common Law Courts, xxxviii *cl.* 10, 1245, 1672
County-rates, xxxvii 1137, 1138
Forgery Bill, xxxviii 255
French Compensation Fund, xxxviii, 1084
General Turnpike Trusts, xxxviii 789
Lord's Day, xxxviii 1241
Municipal Corporations Act Amendment, xxxvi 645
——————— (Ireland), xxxvii 929
National Association (Ireland), xxxvi 91, 92

Goulburn, Mr.—*continued.*
Parliamentary Agents, xxxvii 465
Poor-law Amendment Act, xxxvi 1046, 1282
——— (Ireland), xxxviii *cl.* 15, 807
Publication of Privileged Papers, xxxviii 1132
Reform (Ireland) Act, xxxviii 1744
Sinecure Law Offices, xxxvi 1086
Supply—Miscellaneous Estimates, xxxviii 1611, 1616, 1617, 1623
Universities, xxxviii 520
Ways and Means, xxxviii 852, 856

Goulburn, Mr. Sergeant
Final Registry of Electors, xxxviii 1769
Poor-laws (Ireland), xxxviii 1534
Portland Cemetery, xxxviii 1247
Publication of Printed Papers, xxxviii 1128

Government of the Army, c. xxxvii 775

Graham, Sir James
Breach of Privilege, xxxviii 1581
————— Explanation of Sir E. Codrington, xxxvii 1310, 1315
Church-rates, xxxviii 1021
Court of Session (Scotland), xxxviii 359
Dismissed Officers, xxxvii 1194, 1196
Municipal Corporations (Ireland), xxxvi 360, 905, xxxvii 1077
Navy Estimates, xxxvii 910, 912
New Poor-law (England), xxxviii 456
Poor-law Amendment Act, xxxvi 1093
——— (Ireland), xxxviii 807, *cl.* 15, 814
Presentation of Petitions, xxxviii 822
Privilege, xxxviii 183, 188
———, Glasgow Writ, xxxviii 1090, 1091, 1093, 1103, 1104, 1106, 1111
Voting for Private Bills, xxxviii 804

Grand Juries (Ireland), c. xxxvi 95—Committee, 433—3rd Reading, 566

Grattan, Mr. Henry
Controverted Elections Bill, xxxviii 291
Fictitious Votes (Ireland), xxxvi 204
Longford Election, xxxviii 750
Municipal Corporations (Ireland), xxxvi 308, 634, 957, xxxvii 953
Offences (Ireland), xxxvi 130
Poor-laws (Ireland) xxxvi 504, xxxviii 291

Grattan, Mr. James
Poor-laws (Ireland), xxxviii *cl.* 15, 814

Green, Mr.
Brighton Railway — Stephenson's Line, xxxvii1160, 1302

Grey, Earl of
Message from her Majesty, xxxviii 1551

Grey, Si G.
Affairs of Canada, xxxvi 1354, xxxvii 79, 86, 138
Australia, xxxviii 1708
Canada, xxxviii 200, *cl.* 6, 211, 231, 234, 252
Kafir War, xxxviii 1800
Military Punishments, xxxvii 900
Reform (Ireland). Act, xxxviii 1745
Slavery, xxxviii 1854

Grote, Mr.
Affairs of Canada, xxxvii 1260
Ballot, the, xxxvii 866
Bills of Exchange, xxxviii 1706
Canada, xxxviii 208, *cl.* 6, 215, 230, 231, 358
Capital Punishments, xxxviii 923
Imprisonment for Debt, xxxvii *cl.* 12, 831
Municipal Corporations (England), xxxvi 1063
Rate-paying Clauses of the Reform Act, the, xxxviii 780
Supply—Army Estimates, xxxvii 818—Museum, 1741

Gunpowder Explosion in Limerick, c. xxxvi 1198

Guest, Mr.
Corn-laws, xxxvii 611

Hackney Carriages (Metropolis) Bill c. xxxvi 1185, *c.* xxxvii 796

Haddington, Earl of
Church Accommodation (Scotland), xxxviii 1750
MunicipalCorporations(Ireland),xxxviii 589
———Reform (England), xxxviii 821
Parliamentary Electors, xxxviii 1896
Religious Instruction (Scotland), xxxviii 881, 898
Want of Churches (Ireland), xxxvii 1155

Hall, Mr.
Ballot, the, xxxvii 38
Stafford—New Writ, xxxvi 449
Western Railway — Paddington Estate, xxxvii 678

Hamilton, Mr.
Municipal Corporations(Ireland),xxxvii 942

Handley, Mr.
Corn-laws, xxxvii 601
Manufacture of Bonded Corn, xxxviii 1456
Taxed Carts, xxxviii 1448

Hand-loom Weavers, c. xxxviii 824, 1790

Hanover, King of, c. xxxviii 1922

Hanwell Lunatic Asylum, c. xxxviii 1486

Hardinge, Sir Henry
- Affairs of Spain, xxxvii 1329, 1386, 1388, 1417, 1456—Adjourned Debate, xxxviii 12, 13, 14, 15
- Brevet Promotion, the, xxxvii 289, 292
- Colonel Bradley, xxxviii 1155
- Fictitious Votes, xxxvi 129
- Foreign Officers, xxxviii 1496
- Military Punishments, xxxvii 901
- Navy Estimates, xxxvii 660
- Royal Marines, xxxvii 217
- Spain, xxxvi 136

Hardwicke, Earl of
- Poor-law, xxxviii 1697

Hardy, Mr.
- Bribery at Elections, xxxvii 71, xxxviii 1458
- Case of Mr. Dillon, xxxvi 558, 561
- Church-rates, xxxviii 934
- Inclosure Bills—Public Recreation, xxxvii 164
- Lord's Day, xxxviii 1240
- Municipal Corporations (Ireland), xxxvi 304, 317
- Observance of the Sabbath, xxxviii 542, 544
- Poor-law Amendment, xxxvi 1098

Harewood, Earl of
- Bridlington Harbour Bill, xxxviii 1807
- Poor-law Amendment Act, xxxvii 1296—Petition, xxxviii 1643

Harland, Mr.
- Church-rates, xxxvii 547

Harrowby, Earl of
- Parliamentary Electors, xxxviii 1895

Harvey, Mr. W. D.
- Affairs of Canada, xxxvii 139
- Breach of Privilege, xxxvii 1392, 1394
- ———— Explanation of Sir E. Codrington, xxxvii 1327
- Church Leases, xxxviii 1408
- —— rates, xxxvii 212, 542
- Common Law Courts Bill, xxxviii 1672
- Commercial Distress—The Currency, xxxviii 1206
- Common Law Courts, xxxviii, *cl.* 10, 1245
- Corn-laws, xxxvii 604, 605
- Dismissed Officers, xxxvii 1193
- Foreign Diplomacy, xxxviii 1504
- Imprisonment for Debt, *cl.* 12, 699, 832
- Municipal Corporations Act (England), xxxvi 1061 1063
- New Poor-law, xxxvi 522, 1036
- ———— (England), xxxviii 457
- Parliamentary Agents, xxxvii 464
- Poor-laws, xxxviii 1531
- —— (Ireland) — Settlement, xxxviii 842
- Privilege, xxxviii 174, 187
- Privileges, xxxvi 444
- Recorders' Court Bill, xxxvi 412, 636, 639
- Votes of Members, xxxvi 567

Harvey, Mr. W. D.—*continued.*
- West London Cemetery Company, xxxvii 923
- Western Railway — Paddington Estate, xxxvii 680
- Wigan Rectory, xxxviii 1333

Hastie, Mr.
- Voting for Private Bills, xxxviii 803

Hatherton, Lord
- Church-rates, xxxvii 4
- Poor-law Amendment Act, xxxvii 856, xxxviii 1697
- Public Monuments, xxxviii 1710
- Want of Churches (Ireland) xxxvii 1155

Hawes, Mr.
- Church-rates, xxxvi 1273
- Duty on Soap, xxxvii 748
- East-India Maritime Officers' Bill, xxxviii 788
- Foreign Grain, xxxviii 469
- Freemen and Electors, xxxviii 1768
- Imprisonment for Debt, xxxvi 152, xxxvii *cl.* 12, 831
- Irish and Scotch Vagrants, xxxvi 584
- Manufacture of Foreign Corn, xxxvii 689
- Millbank Penitentiary, xxxvi 1173
- Police Magistrates, xxxviii 1620
- Prison Discipline (Scotland), xxxvii 1206
- Spiritual Peers, xxxvi 617
- Standing Orders, xxxviii 1900
- Supply—Miscellaneous Estimates, xxxviii 1625
- Survey of Church Lands, xxxvii 1295
- Western Railway — Paddington Estate, xxxvii 680

Hawkins, Mr.
- Municipal Corporation Act Amendment, xxxviii 1917

Hay, Sir A. L.
- Burghs of Barony (Scotland), xxxviii 288
- Railways—Jobbing, xxxvi 858
- Voting for Private Bills, xxxviii 806

Heathcote, Mr.
- Corn-laws, xxxvii 602
- Foreign Grain, xxxviii 467
- France, Trade with, xxxviii 1903
- Manufacture of Bonded Corn, xxxviii 1454

Hereford, Bishop of
- Church-rates, xxxvii 382
- Marriage and Registration Acts, xxxviii 1674, 1675
- Oxford and Cambridge Statutes, xxxvii 1006
- Poor-law Amendment Act, xxxviii 1915

Hind, Mr.
- Municipal Corporations (England), xxxvi 580, 646, 647
- Stafford—New Writ, xxxvi 447
- Stamp Duties on Freedom Certificates, xxxvi 1104

Hinde, Mr. Hodgson
Church-rates, xxxvii 547
Common Law Courts Bill, xxxviii 1673
Freemen and Electors, xxxviii 1768

Hindley, Mr.
Factories' Act, the, xxxvii 666
Hand-loom Weavers, xxxviii 1797
Poor-laws (Ireland) xxxviii, *cl.* 24, 1096
Supply—Miscellaneous Estimates, xxxviii 1627
Wigan Rectory, xxxviii 1332, 1333

Hobhouse, Sir J. C.
East-India Maritime Officers, xxxvii 707, Petition, 751
—————— Bill, xxxviii 785, 1453
Imprisonment for Debt, xxxvii, *cl.* 12, 698
Municipal Corporations (Ireland), xxxvi 380
Slavery, xxxviii 1853, 1854

Hobhouse, Mr.
Supply—Miscellaneous Estimates, xxxviii 1624

Hodges, Mr.
Ballot, the, xxxvii 33
Tithe Commutation Act (England), xxxvi 586

Hodgson, Mr.
Fictitious Votes (Ireland), xxxvi 204

Holland, Lord
Appendage to a Petition, xxxvii 835
Church-rates, xxxvii 2, 208, 210
Municipal Corporations (Ireland), xxxvi 655
Oxford and Cambridge Statutes, xxxvii 1012, 1014
Receiving Printed Petitions, xxxvii 211
Spain—Lord J. Hay's Despatches, xxxviii 150, 170

Hope, Mr.
Case of Mr. Lovesey, xxxvii 867, 868
Severn Navigation, xxxvii 1120

Horsman, Mr.
Church of Scotland, xxxviii 637
Fictitious Votes (Scotland), xxxvi 108, 651

Hotham, Viscount
Royal Marines, xxxvii 216

Howard, Mr. Philip
Admission of Freemen, xxxviii 792
Dismissed Officers, xxxvii 1194
Stamp Duties on Freedom Certificates, xxxvi 1104

Howick, Viscount
Affairs of Canada, xxxvii 126
Army Estimates, xxxvii 661, 662
Ballot, the, xxxvii 47, 61

Howick, Viscount—*continued.*
Brevet Promotion, the, xxxvii 286, 288
Case of Mr. Lovesey, xxxvii 929
Church Leases, xxxviii 1416
———rates, xxxvi 1270, xxxvii 327, 331
Colonel Bradley, xxxviii 1152
Foreign Officers, xxxviii 1498
Military Punishments, xxxvii 893, 900
Municipal Corporations Act Amendment, xxxvi 496
Poor-laws (Ireland), xxxvi 492, 496, xxxviii *cl.* 15, 813—Settlement, 838, *cl.* 43, 1209
Publication of Privileged Papers, xxxviii 1113, 1134, 1296
Reform (Ireland) Act, xxxviii 1744
Supply—Army Estimates, xxxvii 778, 784, 791, 792, 794, 795, 814, 817

Hoy, Mr. Barlow
Benefit Societies, xxxvi 598, 907
Presents from the King of Oude, xxxviii 1094
Supply—Army Estimates, xxxvii 789
Texas, xxxvii 191, 202
Vixen, the—Treaty of Adrianople, xxxvii 629

Hume, Mr.
Address, xxxvi 44
Affairs of Canada, xxxvi 1319, xxxvii 76, 79, 86, 87, 143
Army Estimates, xxxvii 661
Benefit Societies, xxxvi 602
Bills of Exchange, xxxviii 1705
Brevet Promotion, the, xxxvii 286, 288, 289, 290, 291, 292
Bridlington Harbour, xxxviii 679
Brighton Railways, xxxviii 1102
Budget, the, xxxviii 1729
Canada, xxxviii 199, *cl.* 6, 215, 231, 247, 250, 358
Capital Punishments, xxxviii 911
Case of Mr. Charlton, xxxvi 20
———— Lovesey, xxxvii 928, 929
Church-rates, xxxvi 1252, 1267, xxxvii 319, xxxviii 940
——— of Scotland, xxxviii 649
Colonel Bradley, xxxviii 1155
Compensation to the late Speaker, xxxviii 1802
Convocation of the Clergy, xxxviii 460
Corn-laws, xxxvi 612
County Boards, xxxvi 415, 431
———-rates, xxxvii 1124, 1125, 1137, 1149
Court of Exchequer (Scotland), xxxvi 100
Criminal Laws, xxxvii 733
Dismissed Officers, xxxvii 1197
Distress in Scotland, xxxvii 924, 925
Duty on Soap, xxxvii 748
East-India Maritime Officers, xxxvii 756
Ecclesiastical Appointments, xxxviii 1910
Education (Ireland), xxxvi 415
Excise Department, xxxviii 1451
——— Acts (Beet-root Sugar), xxxviii 1669
Expenses at Elections, xxxvi 432
Fictitious Votes (Scotland), xxxvi 128
Foreign Grain, xxxviii 470, 474

Hume, Mr.—*continued.*
Imprisonment for Debt, xxxvii *cl.* 12, 698
Inclosure Bills—Public Recreation, xxxvii 162
Joint-stock Banks, xxxvi 158
Leasing-making (Scotland), xxxvi 98
London and Brighton Railways, xxxviii 1217
Manufacture of Foreign Corn, xxxvii 684
Men of War wrecked, xxxvii 693
Mercantile Marine, xxxvii 182
Merchant Shipping, xxxviii 1223
Midnight Legislation, xxxvi 106
Military Punishments, xxxvii 888
Municipal Corporations (Ireland), xxxvii 1043
National Association (Ireland), xxxvi 92
Navy Estimates, xxxvii 656, 658, 661, 910, 913
Offences against the Person, xxxviii 256
——— (Ireland), xxxvi 130
Orange Lodge Committee, xxxviii 1481
Penny Stamp on Newspapers, xxxvii 1175
Pluralities, xxxvi 597
Poor-law Amendment Act, xxxvi 1048
——-laws, xxxvi 1281
———— (Ireland), xxxviii 697, *cl.* 1, 705, *cl.* 24, 1097, *cl.* 36, 1163
Post-office, xxxvii 811
———— Regulations, xxxvi 1188
Presentation of Petitions, xxxviii 822
Printing Evidence, xxxvi 70, 78
Privilege, xxxviii 188
————Glasgow Writ, xxxviii 1091
Privileges, xxxvi 62, 63
Property Qualification, xxxvi 543, 545
Public Business—Address, xxxviii 1593
Publication of Privileged Papers, xxxviii 1127, 1134, 1296
Railways, xxxvi 1162
Rate-paying Clauses of the Reform Act, xxxviii 780
Repeal of the Septennial Act, xxxviii 683
Royal Marines, xxxvii 217
—— Mint, the, xxxvi 1168
Sinecure Law Offices, xxxvi 87
Spiritual Peers, xxxvi 618
Stamp Duties—Marine Assurances, xxxvi 1195
State of the Nation, xxxviii 1360
Supply, xxxviii 655
——,—Army Estimates, xxxvii 780, 790, 791, 792, 793, 795, 813, 820
———,—Miscellaneous Estimates, xxxviii 1614, 1624, 1628, 1763, 1765, 1766
Survey of Church Lands, xxxviii 691, 692, 1200
Tobacco Duties, xxxvii 765
Trade with Portugal, xxxvi 133
Treaties for the Abolition of Slavery, xxxviii 1830
Vixen, the,—Treaty of Adrianople, xxxvii 641
Ways and Means—Sugar Duties, xxxviii 1609, 1611
Wigan Rectory, xxxviii 1333
Window Tax, xxxviii 505

Hutt, Mr.
  Budget, the, xxxviii 1732
  Ways and Means—Sugar Duties, xxxviii 1610

Ice-bound Whalers, the, c. xxxvii 926

Imprisonment for Debt, c. xxxvi 146, 1176, 1362, xxxvii 695, 823, xxxviii 1701, 1741, *l.* 1861

Improvement of Lands (Ireland), Poor-laws, l. xxxviii 218—Committee, 794

Inclosure Bills—Public Recreation, c. xxxvii 162

Ingham, Mr.
  Benefit Societies, xxxvi 603
  Church-rates, xxxvii 544
  Merchant Shipping, xxxviii 1223

Inglis, Sir R. H.
  Affairs of Spain, xxxvii 418
  Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1317, 1318
  Capital Punishments, xxxviii 920
  Church-rates, xxxvi (See Appendix) xxxviii 976
  Ecclesiastical Appointments, xxxviii 1902, 1909
  Execution of Wills, xxxviii 1664, 1667
  Freemen and Electors, xxxviii 1767
  Imprisonment for Debt, xxxviii 1701
  Law of Copyright, xxxviii 880
  Men-of-War Wrecked, xxxvii 694
  New Poor-law (England), xxxviii 456
  Printing Evidence, xxxvi 78
  Privilege—Glasgow Writ, xxxviii 1111
  Public Records Bill, xxxviii 464
  Publication of Privileged Papers, xxxviii 1116, 1207
  Registration, xxxvi 85
  Supply—Miscellaneous Estimates, xxxviii 1624, 1627, 1764
  Survey of Church Lands, xxxvii 1293
  Travelling on the Sabbath, xxxviii 903
  Treaties for the Abolition of Slavery, xxxviii 1823
  West London Cemetery Company, xxxvii 924

Irish and Scotch Vagrants, c. xxxvi 584

—— *Fisheries, l.* xxviii 1542

—— *National Association, l.* xxxvi 80

—— *Measures, l.* xxxviii 1681

—— *Government, l.* xxxviii 1863

Jackson, Mr. Sergeant
  Breach of Privilege, xxxvi 1053, 1058
  Magistracy of Ireland, xxxviii 1700
  Municipal Corporations (Ireland), xxxvi 233, 733
  Poor-laws (Ireland), xxxviii *cl.* 47, 1211

James, Mr.
- Address, xxxvi 41
- Church-rates, xxxvi 1269
- County-rates, xxxvii 1136

Java, Trade with, c. xxxvii 6

Jephson, Mr.
- Ballot, the, xxxvii 39
- Poor-laws (Ireland), *cl.* 24, 1097

Jersey Fisheries, c. xxxviii 679

Jervis, Mr.
- Admission to Freemen, xxxviii 291
- Compensation to the late Speaker, xxxviii 1804
- Forgery Bill, xxxviii 255
- Imprisonment for Debt, xxxvi *cl.* 12, 1183, 1185
- Law of Libel Bill, xxxviii 494
- Municipal Corporations (England), xxxvi 574
- Public Records Bill, xxxviii 465
- Recovery of Tenements, xxxviii 1460
- Sheriffs' Court, xxxviii 1459

Jewish Marriages Bill, c. xxxviii 1707

Johnstone, Mr. Andrew
- Church of Scotland, xxxviii 650
- ——— -rates, xxxvii 470, 471, 472, xxxviii 929, 934, 1073
- Municipal Corporations (Irel'd), xxxviii 288

Johnstone, Mr. Hope
- Church of Scotland, xxxviii 624

Joint-stock Banks, c. xxxvi 155

Jones, Captain
- Poor-laws (Ireland), *cl.* 36, 1163

Judges Opinions, c. xxxvi 648

Juvenile Delinquency, c. xxxvii 926

Kafir War, c. xxxviii 1799

Kearsley, Mr.
- Supply—Miscellaneous Estimates, xxxviii 1615

Knatchbull, Sir Edward
- Bonded Corn, xxxviii 1677
- Brighton Railway—Stephenson's Line, xxxvii 1160
- Church-rates, xxxvi 1268, 1269
- Conduct of Members, xxxvi 770
- County-rates, xxxvii 1129
- Final Registration of Electors, xxxviii 1680, 1702
- Foreign Grain, xxxviii 469
- Imprisonment for Debt, xxxviii 1701
- Ludlow Corporation, xxxvi 409
- Manufacture of Foreign Corn, xxxvii 689

Knatchbull, Sir Edward—*continued.*
- Municipal Corporations Act (England), xxxvi 569, 570, 572, 575, 640, 1059
- Railways—Jobbing by Members, xxxvi 859
- Supply—Miscellaneous Estimates, xxxviii 1627
- Tithe Commutation (England), xxxvi 585

Knight, Mr. Gally
- Canada, xxxviii 234
- Church Leases, xxxviii 1404
- ——— -rates, xxxvi 1259
- Corn-laws, xxxvii 612
- County-rates, xxxvii 1127
- Hanwell Lunatic Asylum, xxxviii 1486
- Municipal Corporations (Ireland), xxxvii 1049, 1051
- Public Records Bill, xxxviii 465
- Reform (Ireland) Act, xxxviii 1745
- West London Cemetery Company, xxxvii 923, 924

Labouchere, Mr.
- Affairs of Canada, xxxvii 105, 1289
- Explanation, xxxvii 858
- Fisheries on the Coast of France, xxxvi 410, 411
- Management of the Post-office, xxxviii 1714
- Manufacture of Bonded Corn, xxxviii 1454
- Merchant Shipping, xxxviii 1224
- Post-office, xxxvii 812, 813
- ———— Regulations, xxxvi 1186
- Royal Mint, the, xxxvi 1162, 1170
- Travelling on the Sabbath, xxxviii 903

Lambton, Mr.
- Brevet Promotion, the, xxxvii 292
- Church-rates xxxvii 522, 544, xxxviii 947
- Privilege—Glasgow Writ, xxxviii 1093

Langdale, Lord
- Common Law Courts, xxxviii 1713
- Wills Bill, xxxvi 963

Lansdowne, Marquess of
- Answer of the Queen Dowager, xxxviii 1859
- Church-rates, xxxvii 3, 4, 382
- Education Charities, xxxviii 1683
- Imprisonment for Debt, xxxviii 1862
- Irish Government, xxxviii 1890
- Municipal Corporations (Irel'd), xxxviii 571
- ———— Reform (England), xxxviii 819
- New Houses of Parliament, xxxvii 1390
- Protestant Petition, xxxviii 340
- Public Works (Ireland), xxxviii 1441
- Reform of Parliament (Ireland) Act, xxxviii 1850

Law, Mr.
- Church-rates, xxxvii 415
- Parliamentary Agents, xxxvii 464

Law of Libel c. xxxvi 562

———— *Bill c.* xxxviii 477

———— *Copyright c.* xxxviii 866

Lawson, Mr.
Longford Election, xxxviii 750

Leader, Mr.
Affairs of Canada, xxxvi 1306, xxxvii 137, 1266
Breach of Privilege — Explanation of Sir E. Codrington, xxxvii 1327
Canada, xxxviii 198, *cl.* 6, 214
Property Qualification, xxxvi 531
Qualification of Members, xxxvii 808
Recorders' Courts, xxxvi 636
Supply — Army Estimates, xxxvii 794

Leasing-making, Sedition, &c. (*Scotland*), *c.* xxxvi 97

Lefevre, Mr. Shaw
Brighton Railway — Stephenson's Line, xxxvii 1303
Corn-laws, xxxvii 607
County-rates, xxxvii 1133

Lefroy, Mr.
Breach of Privilege, xxxvi 1053
Catholic Places of Worship, xxxvi 564
Municipal Corporations (Ireland), xxxvi 311
Reform (Ireland) Act xxxviii 1743

Lennard, Mr.
Church-rates, xxxvi 1260
County-rates, xxxvii 1135
Forgery Bill, xxxviii 255
Military Punishments, xxxvii 880
Poor-laws (Ireland), xxxviii *cl.* 15, 814, *cl.* 36, 1162

Lennox, Lord George
Brighton Railway — Stephenson's Line, xxxvii 1160, 1302
——— Railways, xxxviii 1101
Parliamentary Agents, xxxvii 457
Royal Marines, xxxvii 213
Voting for Private Bills, xxxviii 804

Lennox, Lord A.
Lord's Day, xxxviii 1240

Letter Carriers, c. xxxviii 1484

Leveson, Lord
Affairs of Spain, xxxvii 1366

Lichfield, Earl of
Post-office Bills, xxxviii 1462, 1463, 1464, 1681

Limerick, Earl of
Improvement of Lands (Ireland)—Poor-laws, xxxviii, 222

Lincoln, Bishop of
Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 671

Llandaff, Bishop of
Oxford and Cambridge Statutes, xxxvii 1009, 1014, 1015
Petitions for Church-rates, xxxvii 554, 555, 556, 557, 675, 677
Statutes of the several Colleges and Halls of Oxford and Cambridge, xxxviii 669

Local Courts—Pluralities, l. xxxvi 79

London, Bishop of
Church-rates, xxxvii 155, 157
Desecration of Churches, xxxviii 864
Metropolitan Cemeteries, xxxviii 1439

London and Brighton Railways, c. xxxviii 1215

Londonderry, Marquess of
Bridlington Harbour Bill, xxxviii 1806
War in Spain, xxxviii 1465, 1479

Longford Election, c. xxxviii 750

Lord's Day, c. xxxviii 1227

——— *Justices Bill, l.* xxxviii 1836—Protest against, 1843, *c.* 1893

Lowther, Mr.
Admission of Freemen, xxxviii 293

Lucas, Mr.
County Treasurers (Ireland), xxxviii 1762
Municipal Corporations (Ireland), xxxvi 300
Poor-laws (Ireland), xxxviii 441, 810, 813—Settlement, 827

Ludlow Charity Trusts, c. xxxviii 880

——— *Corporation* (*Mr. L. Charlton*), *c.* xxxvi 406

Lushington, Dr.
Affairs of Spain, xxxvii 1438
Ballot, the, xxxvii 45
Capital Punishments, xxxviii 919
Church-rates, xxxvii 377
Execution of Wills, xxxviii 1666
State of the Nation, xxxviii 1353
Vixen, the,—Treaty of Adrianople, xxxvii 637

Lushington, Mr.
Spiritual Peers, xxxvi 809

Lynch, Mr.
Imprisonment for Debt, *cl.* 12, 1184
Poor-laws (Ireland), xxxviii 428—Settlement, 833, *cl.* 24, 1095, *cl.* 36, 1162, *cl.* 42, 1166

Lyndhurst, Lord
Criminal Laws, xxxviii 1779, 1907, 1908
Education and Charities Bill, xxxviii 1618, 1620

- Lyndhurst, Lord—*continued.*
  - Imprisonment for Debt, xxxviii 1861
  - Marriage and Registration Acts, xxxviii 1676
  - Municipal Corporations (Ireland), xxxviii 274, 1308
  - Post-office Management, xxxviii 1681
  - Privilege—Commons' Resolutions, xxxviii 1213
  - Public Business—Address to the Queen, xxxviii 1568
  - Receiving printed Petitions, xxxvii 212

- Mackinnon, Mr.
  - Fourdrinier's Patent, xxxviii 1493
  - French Compensation Fund, xxxviii 1082
  - General Turnpike Trusts, xxxviii 789
  - Patent Laws, (See Appendix) xxxvi
  - Turnpike Roads, xxxvi 1196

- Maclean, Mr.
  - Address, xxxvi 66, 67
  - Admission of Freemen, xxxviii 792
  - Affairs of Spain, xxxvii 1394
  - Battles in Spain, xxxvii 681, 682
  - Case of the Vixen, xxxvi 133
  - Catholic Places of Worship, xxxvi 565
  - Criminal Laws, xxxvi 89, 90
  - Education (Ireland), xxxvi 415
  - Fictitious Votes (Scotland), xxxvi 650
  - Imprisonment for Debt, xxxvi 151
  - Law of Libel Bill, xxxviii 501
  - Mulholland, case of Dr., xxxvi 436, 437, 438, 439
  - Municipal Corporations (England), xxxvi 581
  - ——————— (Ireland), xxxvi 679
  - Navy Estimates, xxxvii 654
  - Property Qualification, xxxvi 542, 546
  - Public Business—Address, xxxviii 1606
  - Registration of Voters, xxxvi 155
  - Spain, xxxvi 136
  - Stores supplied to Spain, xxxvii 619, 620
  - Vixen, the—Treaty of Adrianople, xxxvii 636

- *Magistracy of Ireland, the, c.* xxxviii 1700

- Mahon, Viscount
  - Affairs of Spain, xxxvii 1428
  - Spain, xxxvii 223, 286
  - Stores supplied to Spain, xxxvii 620

- Malmesbury, Earl of
  - Desecration of Churches, xxxviii 865
  - Marriage and Registration Acts, xxxviii 1675
  - New Poor-law, the, xxxviii 299
  - Poor-law Act, xxxviii 1144
  - ——— Amendment Act, xxxvii 1296, 1299, 1300

- *Management of the Post-office, c.* xxxviii 1714

- Mansfield, Earl of
  - Dissolution of Parliament on the Demise of the Crown, xxxviii 1685
  - Trial by Jury (Scotland) Bill, xxxvii 1207

- Manvers, Earl of
  - Bridlington Harbour Bill, xxxviii 1807

- *Manufacture of Bonded Corn, c.* xxxviii 1453

- ——————— *Foreign Corn, c.* xxxvii 683

- Marjoribanks, Mr.
  - Municipal Corporations Act Amendment, xxxvi 640

- *Marlow Church-rates, c.* xxxvi 567

- *Marriage and Registration Acts, l.* xxxviii 1674, 1680

- *Master of the Rolls (Ireland), c.* xxxvii 667

- Maule, Mr. Fox
  - County-rates, xxxvii 1140
  - General Turnpike Trusts, xxxviii 789
  - Millbank Penitentiary, xxxvi 1175, 1176
  - Prison Discipline (Scotland), xxxvii 1201, 1206
  - Turnpike Roads, xxxvi 1297

- Maxwell, Mr.
  - Budget, the, xxxviii 1731
  - Catholic Places of Worship, xxxvi 564
  - Hand-loom Weavers, xxxviii 824, 1790
  - Turnpike Trusts (Scotland), xxxvii 708

- Melbourne, Viscount
  - Address in Answer to the King's Speech, xxxvi 15
  - ——— of Condolence to the Queen Dowager, xxxviii 1553
  - Business of Parliament, xxxviii 1184
  - Chief Baron Joy, xxxviii 797
  - Church Accommodation (Scotland), xxxviii 1746
  - ———-rates, xxxvii 1, 2, 150, 157, 556
  - Dissolution of Parliament on the Demise of the Crown, xxxviii 1686
  - Ecclesiastical Appointments, xxxviii 1905
  - Education (Ireland), xxxvi 1105
  - Established Church, xxxvi 767
  - Improvement of Lands (Ireland)—Poor-laws, xxxviii 228
  - Irish Measures, xxxviii 1681
  - Message from her Majesty, xxxviii 1546, 1547
  - Mint, the, xxxvii 798
  - Municipal Corporations, xxxviii 1540
  - ——————— (Ireland), xxxvii 1156, 1157, 1158, xxxviii 260, 276, 556, 1321, 1327
  - ——— Reform (England), xxxviii 817
  - Oxford and Cambridge Statutes, xxxvii 1018

Melbourne, Viscount—*continued.*
Poor-law Act, xxxviii 1146—Petition, 1651
——— Amendment Act, xxxvii 847, 1297
——-laws (Ireland), xxxviii 1247
Protestant Petition, xxxviii 301
Public Business—Address to the Queen, xxxviii 1565, 1579
Religious Instruction (Scotland), xxxviii 889
Spain—Lord J. Hay's Despatches, xxxviii 131, 176
War in Spain, xxxviii 1470

Melville, Viscount
Small Debts (Scotland), xxxviii 1247

Members acting as Parliamentary Agents, c. xxxviii 1243

Men-of-War Wrecked, c. xxxvii 692

Mercantile Marine, c. xxxvii 164

Merchant Service, the, c. xxxvii 1123

——— *Shipping, c.* xxxviii 1222

Message from her Majesty, l. xxxviii 1546

——— *the Queen, c.* xxxviii 1554

Methuen, Mr.
Supply—Miscellaneous Estimates, xxxviii 1624

Metropolitan Cemeteries, l. xxxviii 1439

Midnight Legislation, c. xxxvi 103

Miles, Mr.
Corn-Laws, xxxvii 605
County-rates, xxxvii 1132

Military Punishments, c. xxxvii 868

Millbank Penitentiary, c. xxxvi 1173

Mint, the, l. xxxvii 797

Minto, Earl of
Bridlington Harbour Bill, xxxviii 1807
Spain—Lord J. Hay's Despatches, xxxviii 166, 169
War in Spain, xxxviii 1478

Missing Whale Ships, c. xxxvi 771

Molesworth, Sir William
Affairs of Canada, xxxvi 1331
Corn-laws, xxxvii 596
Property Qualification, xxxvi 524, 549, 552
Publication of Privileged Papers, xxxviii 1113

Morpeth, Viscount
Catholic Places of Worship, xxxvi 565
Church (Ireland), xxxvi 205
Dublin Police, xxxviii 1462
Fictitious Votes (Ireland), xxxvi 203
Grand Juries (Ireland), xxxvi 95, 435
Magistracy of Ireland, xxxviii 1700

Morpeth, Viscount—*continued.*
Master of the Rolls (Ireland), xxxvii 267
Municipal Corporations (Ireland), xxxvi 247, 251, 337, 634, 733, xxxvii 1073
Offences against the Peace (Ireland), xxxviii 1079
Orange Lodge Committee, xxxviii 1480
Poor-law (Ireland), xxxviii 402, *cl.* 15, 806, *cl.* 20, 815, *cl.* 24, 1096, 1097, *cl.* 26, 1098, *cl.* 47, 1211
Protection to Dogs, xxxviii 1761
Tithes (Ireland), xxxviii 408, 1372

Mortgages on Ships and Vessels c. xxxvi 1175

Mosley, Sir O.
Fourdrinier's Patent, xxxviii 1492

Mulholland, Dr. c. xxxvi 436

Mulgrave, Earl of
Crown Solicitors (Ireland), xxxviii 1754
Irish Government, xxxviii 1867, 1870

Municipal Corporations, l. xxxviii Petition, 1540

——— *Act Amendment, c.* xxxvi 88, 568, 1058 *l.* xxxviii 1100, 1498—Conference, 1773 1892, 1904—*c.* 1916

——— *(England), l.* xxxviii 405, *c.* 1381

——— *(Scotland), c.* xxxvii 456, *c.* 278

——— *(Ireland), c.* xxxvi Leave, 206, 295—2nd Reading, 633—Petitions, 653—Committee, 657, 773, 863—*c.* xxxvii Committee, 672—3rd Reading, 929—Adjourned Debate, 1403, —*l.* 1st Reading, 1156—*l.* xxxviii 2nd Reading, 260—Committee, 550, 1308

——— *Reform (England), l.* xxxviii Petition, 817

National Association (Ireland), c. xxxvi 91

——— *Education (Ireland), l.* xxxvi 79, *c.* xxxviii 1157

Naval Officers, c. xxxviii 1831

Navy Estimates, c. xxxvii 219, 656, 907

New Houses of Parliament, l. xxxvii 1389

—*Poor-law, c.* xxxvi 522, *l.* xxxviii 297

——— *(England), c.* xxxviii Petition, 455

Nicholl Dr.
Church-rates, xxxvii 537
Survey of Church Lands, xxxvii 1294

Norwich, Bishop of
Poor-law Amendment Act, xxxviii 1914

Observance of the Sabbath, c. xxxviii 541

O'Brien, Mr.
Capital Punishments, xxxviii 922
Municipal Corporations (Ireland), xxxvi 791
National Association, xxxvi 95
Poor-laws (Ireland), xxxvi 478, xxxviii 392, 704, *cl.* 1,705, *cl.* 15, 808, *cl.* 19, 815, *cl.* 36, 1162, *cl.* 42, 1165
Privilege, xxxviii 180
Supply—Miscellaneous Estimates, xxxviii 1627, 1628

Occupation of Cracow, c. xxxviii 1085

O'Connell, Mr. D.
Affairs of Canada, xxxvi 1323
———— Spain, xxxvii 1380, 1386
Bank of Ireland, xxxvi 772
Benefit Societies, xxxvi 605
Bribery at Elections, xxxvii 71
Business of the House, xxxviii 907
Canada, xxxviii 200, 237
Capital Punishments, xxxviii 917
Catholic Places of Worship, xxxvi 562, 564
County Boards, xxxvi 420—Treasurers, xxxviii 1763
Dismissed Officers, xxxvii 1192
Fictitious Votes (Scotland), xxxvi 128, 651
Foreign Grain, xxxviii 466, 476
Forgery Bill, xxxviii 255
Grand Juries (Ireland), xxxvi 95, 433, 566
Imprisonment for Debt, xxxvi 152
Law of Libel Bill, xxxviii 477, 501
Master of the Rolls (Ireland), xxxvii 667, 672
Municipal Corporations Act Amendment, xxxvi 1062
———————— (Ireland), xxxvi 260, 952, xxxvii 1051
National Association (Ireland), xxxvi 93, 94
Offences against the Person, xxxviii 1662
Orange Lodge Committee, xxxviii 1481
Poor-laws (Ireland), xxxvi 485, 496, xxxviii 360, 690, *cl.* 1, 705, *cl.* 15, 807, 809,—Settlement, 845, *cl.* 24, 1096, *cl.* 26, 1097 *cl.* 36, 1162, 1165, *cl.* 42, 1168, *cl.* 43, 1209, *cl.* 47, 1211
Printing Evidence, xxxvi 77
Privilege, xxxviii 181
Privileges of the House, xxxvi 139, 142, 144, 443, 445
Property Qualification, xxxvi 545, 546
Queen Regent of Spain, xxxviii 295
Recorders' Court Bill, xxxvi 414
Registration, xxxvi 85, 137
Spain, xxxvii 282, 285
State of the Nation, xxxviii 1358
Texas, xxxvii 198
Vixen, the—Treaty of Adrianople, xxxvii 645

O'Connell, Mr. M. J.
Affairs of Spain—Adjourned Debate, xxxviii 16

O'Connell, Mr. M. J.—*continued.*
Compensation to the late Speaker, xxxviii 1805
Municipal Corporations (Ireland), xxxvi 885

O'Conor, Mr. Dennis
Municipal Corporations (Ireland), xxxvi 293
Poor-laws (Ireland), xxxvi 482, xxxviii 427, Settlement, 837

Offences (Ireland), c. xxxvi 130
————*against the Peace, (Ireland), c.* xxxviii 1078
———————— *Person, c.* xxxviii 255, 1661

Opening of Parliament, l. xxxvi 1

Orange Lodge Committee, c. xxxviii 1480

Oxford and Cambridge Statutes, l. xxxvii 1001

———————————— *Protest against postponing the Bill.* xxxvii 1042

Palmer Mr. R.
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1327
County Boards, xxxvi 426, 427
Irish and Scotch Vagrants, xxxvi 583, 585
Poor-law Amendment, xxxvi 1096
Railways-Jobbing, xxxvi 862
Rating of Tenements xxxviii 1495

Palmer Mr. G.
Church Leases, xxxviii 1398
Church Rates, xxxvi 1274
East-India Maritime Officers, xxxvii 759

Palmerston, Viscount
Address, xxxvi 56, 67
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1319, 1327
Canada, xxxviii 250, 251
Case of the Vixen, xxxvi 134
Consular Agent at Cracow, xxxvii 702
Foreign Diplomacy, xxxviii 1502, 1505
Jersey Fisheries, xxxviii 679
Navy Estimates, xxxvii 657, 660, 661
Presentation of Petitions, xxxviii 824
Spain, xxxvi 134, xxxvii 256—Adjourned Debate xxxviii 1459
Stores supplied to Spain, xxxvii 619
Supply—Miscellaneous Estimates, xxxviii 1617
Texas, xxxvii 193
Trade with Java, xxxvii 6, 7
————Portugal, xxxvi 132
————Spain, xxxviii 1500
Treaties for the Abolition of Slavery, xxxviii 1827
Vixen, the—Treaty of Adrianople, xxxvii 630 xxxviii 1162

Parliamentary Agency c. xxxvii 800—

Palmerston, Viscount—*continued.*
Agents c. xxxvii 457—*Electors, l.* xxxviii 1894

Parnell, Sir Henry
Supply-Miscellaneous Estimates, xxxviii 1615

Parry, Sir Love
Admission of Freemen, xxxviii 297
Affairs of Canada, xxxvii 1267
County Boards, xxxvi 431
Dismissed Officers, xxxvii 1191

Patent Laws, c. xxxvi 554

Pattison, Mr.
Bills of Exchange, xxxviii 1923
Joint Stock Banks, xxxvi 1805

Payment of Rates c. xxxviii 816

Pease, Mr.
Bridlington Harbour, xxxviii 677
Church-Rates xxxvii 545
Depredations on Railways, xxxvi 1202
Imprisonment for Debt, xxxvi 1362
Joint-Stock Banks, xxxvi 197
Mercantile Marine, xxxvii 190
Offences against the Person, xxxviii 259
Reform Act—Rates and Taxes, xxxvii 206
Voting for Private Bills, xxxviii 802, 805
Western Railway—Paddington Estate, xxxvii 681

Pechell, Captain
Brevet Promotion, xxxvii 292
Brighton Railway — Stephenson's Line, xxxvii 1303
Fisheries on the Coast of France, xxxvi 410, 411
London and Brighton Railways, xxxviii 1216
Men-of-war Wrecked, xxxvii 693
Mercantile Marine, xxxvii 190
Navy Estimates, xxxvii, 909
Window Tax, xxxviii 507

Peel, Rt. Hon. Sir Robert
Address, xxxvi 50, 66
Admission of Freemen, xxxviii 293
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1324, 1326
Bridlington Harbour, xxxviii 677
Business of the House, xxxvii 1208, 1209
Canada, Affairs of, xxxvii 1279, xxxviii 204, 250, 251
Case of Mr. Lechmere Charlton, xxxvi 20
Capital Punishments, xxxviii 924, 925
Church-Rates, xxxvi 1257, xxxvii 296, 319, 331, 343, xxxviii 1050
——— Leases, xxxviii 1422
——— of Scotland, xxxviii 632
Colonial Banks, xxxvi 634
Dropped Orders, xxxviii 1095
Foreign Diplomacy, xxxviii 1506
Forgery Bill, xxxviii 252, 254

Peel, Rt. hon. Sir R.—*continued.*
Ice-bound Whalers, xxxvi, 771, 772, xxxvii 926
Inclosure Bills — Public Recreation, xxxvii 162
Java, Trade with, xxxvii, 7
Jersey Fisheries, xxxviii 679
Joint-stock Banks, xxxvi 192
Message from the Queen xxxviii 1561
Municipal Corporations (Ireland), xxxvi 387, 575, 936, xxxvii 1095
Offences against the Person, xxxviii 255, 256, 258
Penny Stamp on Newspapers, xxxvii 1170, 1175
Poor-Laws (Ireland), xxxvi 497, xxxviii 446 698, *cl.* 1, 706, *cl.* 24, 1096
Poor-Law Amendment, xxxvi 986, 1088
Post-Office, xxxvii 811
Printing Evidence, xxxvi 71, 77, 141
Privilege, xxxvi 62
Publication of Privileged Papers, xxxviii 1129, 1265, 1305
Public Records Bill, xxxviii 464
Severn Navigation, xxxvii 1121
Spain, Affairs of, xxxvii 271—Adjourned Debate, xxxvii 96
Spiritual Peers, xxxvi 627
Survey of Church Lands, xxxvii 1200, 1294
Vote by Proxy, xxxviii 770

Pelham, Mr. Cresset
Canada, Affairs of, xxxvii 136, xxxviii 359
East-India Maritime Officers, xxxvii 760
Municipal Corporations (England), xxxvi 575
Poor-laws, xxxvi 1282
Severn Navigation, xxxvii 1121
Vixen, the—Treaty of Adrianople, xxxvii 656

Pemberton, Mr.
Church-rates, xxxvii 430
Imprisonment for Debt, xxxvi 153
Publication of Privileged Papers, xxxvii 1124, 1134, 1284

Penitentiary, Millbank, l. xxxviii 548

Penny Stamp on Newspapers, c. xxxvii 1162

Perceval, Colonel
Catholic Places of Worship, xxxvi 565
Municipal Corporations (Ireland), xxxvi 808
——— Reform (Ireland) Act, xxxviii 1745
Supply—Miscellaneous Estimates, xxxviii 1627

Petitions for Church Rates, l. xxxvii 554

Philips, Mr. Mark
Admission of Freemen, xxxviii 293
Benefit Societies, xxxvi 607
Imprisonment for Debt, xxxvi 1177, *cl.* 12, 1185, *cl.* 1, xxxvii 696, *cl.* 12, 697
Manufacture of Foreign Corn, xxxvii 688

Pilotage, c. xxxvi 136

Plumtre, Mr.
Address, xxxvi 67
Capital Punishments, xxxviii 918
Church-Rates, xxxvi 1262
Lord's Day Observance, xxxviii 541, 1227
Supply—Miscellaneous Estimates, xxxviii 1629

Plunkett, Lord
Education in Ireland, xxxvi 1147—Explanation xxxvii 663

Pluralities, c. xxxvi 597

Polhill, Captain
Military Punishments, xxxvii 904

Po ce Magistrates, c. xxxvii 294, *c.* xxxviii *li* 20

Pollock, Sir Frederick
Compensation to the late Speaker, xxxviii 1803
Imprisonment for Debt, xxxvii *cl.* 12, 825, 830, *cl.* 13, 833, 1741
Municipal Corporations (Ireland), xxxvi 823
Parliamentary Agency, xxxvii 891—Agents, 462
Supply—Museum—The late Speaker, xxxviii 1738

Poor-Law Amendment Act, c. xxxvi 986, 1085, 1280, *l.* xxxvii 835, 1296, xxxviii 1138, 1914

——— *Petition, c* xxxviii 1507, *l.* 1630, 1687, 1809, 1847, 1896

Poor-Laws (Ireland), c. xxxvi 453, xxxviii 359, Adj. Debate 427, Com. 690, 806, 1095, 1162, 1222

——— *Settlement, c.* xxxviii 827 *Correspondence, l.* 1246

Portland Cemetery, c. xxxviii 1247, 1449.

Portman, Lord
Poor-law Petition, xxxviii 1646

Portugal Trade with, c. xxxvi 132

Post-Office Regulations, c. xxxvi 1186, xxxvii 809, xxxviii 657, *l.* 1098, 1681

——— *Duties, c.* xxxviii 755

——— *Bill, l.* 1462

Potter, Mr.
Admission of Strangers to the House, xxxvi 59
Budget, the xxxviii 1736
County Boards, xxxvi, 427
Imprisonment for Debt, xxxvi 151
Lord's Day Observance, xxxviii 1240

Poulter, Mr.
Ballot, the xxxvii 35

Poulter, Mr.—*continued.*
Controverted Elections, xxxviii 861
Law of Libel, xxxviii 499
Municipal Corporations (Ireland), xxxvi 710
Privilege—Publication of Printed Papers, xxxviii 1263
Spain, xxxvii 247
Universities, xxxviii 516

Praed, Mr.
East-India Maritime Officers Bill, xxxvii 753, xxxviii 787, 1452
Privilege—Mr. Charlton, xxxvi 593

Presentation of Petitions, c xxxviii 821

Presents from the King of Oude, c. xxxviii 1094

Price, Mr. Grove
Address, xxxvi 65
Municipal Corporations, (Ireland) xxxvi 887
Spain, Affairs of, xxxvii 249, 282, 1444
——— Battles in, xxxvii 682

Primogeniture, c. xxxvii 734

Pringle Mr.
Burghs of Barony, (Scotland), xxxviii 289

Printed Papers—Evidence before Committees, c. xxxvi 70, 138, 440, 590

Prison Discipline (Scotland), c. xxxvii 1207

Private Business, l. xxxviii 1808

Privileges, c. xxxviii 61

——— Publication of Papers, *c.* xxxviii 1249

——— The Commons *l.* xxxviii 1158

——— The Resolutions of the Commons, *l.* xxxviii 1213, *c.* xxxviii 170, 1149

——— Glasgow Writ, *c.* xxxviii 1090, 1103

Proceedings on the King's Death, c. xxxviii 1545

Property Qualification, c. xxxvi 524

Prorogation, l. xxxviii 1919 — Queen's Speech, 1921

Protection of Property—Railroads, l. xxxvi 519

——— *to Dogs, c.* xxxviii 1761

Pryme, Mr.
County Boards, xxxvi 427
Fictitious Votes (Scotland), xxxvi 127
Foreign Grain, xxxviii 470
Poor-laws (Ireland), xxxviii 445

Pryme, Mr.—*continued.*
Rating of Tenements, xxxviii 1494
Tobacco and Foreign Spirit Duties, xxxviii 462
Universities, xxxviii 509, 529

Protestant Petition, l. xxxviii 299

Public Business, l. xxxviii 863, 1913

—— *Monuments, l.* xxxviii 1710

—— *Records' Bill, c.* xxxviii 463

—— *Revenues and Accounts, c.* xxxviii 1491

—— *Works (Ireland), l.* xxxviii 1441

Publication of Privileged Papers, c. xxxviii 1113

Punishment of Death, l. xxxviii 1859

Qualification of Members, c. xxxvii 802

Queen Regent of Spain, c. xxxvii 295

Radnor, Earl of
Church-rates, xxxvii 209, 211
Education Board (Ireland), xxxviii 928
Final Register of Electors, xxxviii 1835
Irish Government, xxxviii 1881
Oxford and Cambridge Statutes, xxxvii 1001, 1016, 1040, 1041—Statutes of the several Colleges, xxxviii 658, 674
Poor-law Amendment Act, xxxvii 856—Petition, xxxviii 1633, 1690, 1815, 1897, 1898, 1914
Universities, the, xxxviii 978

Rae, Sir W.
Church of Scotland, xxxviii 602
Court of Session (Scotland), xxxvii 1152, xxxviii 359
Municipal Corporations (Scotland), xxxvii 456
Prison Discipline (Scotland), xxxviii 1205, 1207

Railways—Jobbing by Members, c. xxxvi 855, 1161

Rate-paying Clauses of the Reform Act, c. xxxviii 779

Rating of Tenements, c. xxxviii 1694

Receiving Printed Petitions, c. xxxvii 211

Recorders' Courts, c. xxxvi 412, 636—In corporate towns, 204

Recovery of Presentations, l. xxxviii 1808

—— *Tenements, c.* xxxvii 771, xxxviii 1460

Registration and Marriage Act Suspension, c. xxxvi 84, 137, *l.* 633, 656

—— *of Births and Marriages, c.* xxxviii 1382

Redesdale, Lord
Final Register of Electors Bill, xxxviii 1836
Parliamentary Electors, xxxviii 1894
Reform of Parliament (Ireland) Act, xxxviii 1849
Scotch and Irish Vagrants' Bill, xxxvi 799

Reform Act—Rates and Taxes, c. xxxviii 203

—— *(Ireland) Act, c.* xxxviii 1743, *l.* 1849

Reid, Sir John Rae
Commercial Distress—the Currency, xxxviii 1206
Mercantile Marine, xxxvii 190
Stamp Duties—Marine Insurances, xxxvi 1192

Religious Instruction (Scotland), l. xxxviii 881

Repeal of the Septennial Act, c. xxxviii 680

Richards, Mr.
Budget—State of the Country, xxxviii 1161, 1730, 1731
Commissions, xxxvii 75
Corn-laws, xxxvii 614
County Boards, xxxvi 422
Dismissed Officers, xxxvii 1191
Imprisonment for Debt, xxxvi 149, 151, 1178, 1184, xxxvii *cl.* 1, 695, *cl.* 12, 697, 823, 830, 1741, 1742
Municipal Corporations (Ireland), xxxvi 874
Offences against the Person, xxxviii 257
Poor-laws (Ireland), xxxvi 517, xxxviii 388, *cl.* 1, 706, *cl.* 36, 1164
Privilege, xxxviii 195
Supply—Army Estimates, xxxvii 790, 816—Museum, 1740

Richmond, Duke of
Abolition of Oaths, xxxviii 547
Business of Parliament, xxxviii 1188
Criminal Law, xxxviii 1779
Execution at Gloucester, xxxviii 795, 928
Municipal Corporations (Ireland), xxxviii 595
Penitentiary (Millbank), xxxviii 458
Poor-law Act, xxxvii 1299, 1300, xxxviii 1143—Petition, 1655, 1694, 1820, 1847, 1898, 1915
Post Office, xxxviii 1099
—— Bills, xxxviii 1463
Privilege—Commons' Resolutions, xxxviii 1213
Reform of Parliament (Ireland) Act, xxxviii 1852
Statute Labour, xxxvii 617

Ripon, Earl of
Canadas, the, xxxvii 557, xxxviii 728
Municipal Corporations (Ireland), xxxviii 577
Van Diemen's Land — Colonel Arthur, xxxviii 1136

Robinson, Mr.
Adjournment—the Budget—State of the Country, xxxviii 1161, 1734
Bills of Exchange, xxxviii 1706
Bonded Corn, xxxviii 1677
Canada, Affairs of, xxxvi 1314, 1319, xxxvii 138, xxxviii *cl.* 6, 213, 215, 232, 243, 358
Capital Punishments, xxxviii 919
Court of Exchequer (Scotland), xxxvi 103
Dismissed Officers, xxxvii 1187
East-India Maritime Officers, xxxvii 702, 752, xxxviii 785, 788, 1452
Fictitious Votes (Scotland), xxxvi 651
Foreign Grain, xxxvii 683, 687, 690, xxxviii 465, 467, 469, 473
Joint-Stock Banks, xxxvi 172
Mercantile Marine, xxxvii 186
Municipal Corporations Act, xxxvi 647
——————— (Ireland), xxxvi 871
Poor-law Amendment, xxxvi 1076, 1283
Privilege, xxxviii 195
Public Business—Address, xxxviii 1604
Severn Navigation, xxxvii 1120
Stafford Writ, xxxvi 451
Stamp Duties—Marine Insurances, xxxvi 1189, 1196
Supply—Army Estimates, xxxvii 780, 815—Miscellaneous, 1765
Trade with Portugal, xxxvi 132, 133
Vixen, the—Treaty of Adrianople, xxxvii 643

Roche, Mr. William
Foreign Grain, xxxviii 470
Gunpowder Explosion at Limerick, xxxvi 1198, 1201
Municipal Corporations (Ireland), xxxvi 297, xxxvii 1063

Roden, Earl of
Chief Baron Joy, xxxviii 796
Conspiracy in Ireland, xxxvii 1388
Improvement of Lands (Ireland)—Poor-laws, xxxviii 225
Irish Government, xxxviii 1881, 1889
Protestant Petition, xxxviii 311

Roebuck, Mr.
Address, xxxvi 28
Breach of Privilege—Explanation of Sir E. Codrington, xxxvii 1321, 1327
Business of the House, xxxvii 1208, xxxviii 907
Canada, Affairs of, xxxvi 1319, 1335, xxxvii 87, 137, 138, 141, 142, 1209, 1250, 1271, 1289, xxxviii 201, *cl.* 6, 210, 212, 231, 241, 246, 251
Capital Punishment, xxxviii 916
Case of Mr. Lechmere Charlton, xxxvi 20, 64
Commissions, xxxvii 75
County-rates, xxxvii 1130
Fictitious Votes (Scotland), xxxvi 125
Forgery Bill, xxxviii 252
Glasgow and Ayr Railway—Travelling on the Sabbath, xxxviii 856, 900

Roebuck, Mr.—*continued.*
Lord's Day Observance, xxxviii 1229
Municipal Corporations (Ireland), xxxvi 277, 284, 285
Merchant Service, the, xxxvii 1124
Orange Lodge Committee, xxxviii 1481
Parliamentary Agents, xxxvii 462
Penny Stamp on Newspapers, xxxvii 1162, 1164, 1183
Poor-law Amendment, xxxvi 1090
Printing Evidence, xxxvi 143
Privilege, xxxviii 195
————Glasgow Writ, xxxviii 1106
Public Business—Address, xxxviii 1600
Qualification of Members, xxxvii 805
Recorders' Courts, xxxvi 637, 638
Sale of Beer, xxxvii 771
Septennial Act, Repeal of the, xxxviii 687
Spain, Affairs of—Adjourned Debate, xxxviii 18
State of the Nation, xxxviii 137
Supply—Army Estimates, xxxvii 816
Vixen, the—Treaty of Adrianople, xxxvii 621, xxxviii 1161
Wigan Rectory, xxxviii 1334

Rolfe, Sir R. (See Solicitor-General).

Rosebery, Earl of
Religious Instruction (Scotland), xxxviii 897

Romish Clergy, the, l. xxxviii 799

Royal Marines, c. xxxvii 213

Royal Mint, c. xxxvi 1162

Russell, Right Hon. Lord John
Address, xxxvi 68
Admission of Strangers, xxxvi 59
Admission of Freemen, xxxviii 292, 293, 790, 791
Boundaries of Boroughs Bill, xxxviii 1500
Breach of Privilege, xxxvii 1391, 1393, 1394—Explanation of Sir E. Codrington, 1316, 1326
Budget, the—Adjournment—State of the Country, xxxviii 1160
Burghs of Barony (Scotland), xxxviii 290
Business of the House, xxxviii 907
Canada, Affairs of, xxxvi 1287, xxxvii 1234 1250, 1277, xxxviii 231, 247, 865, 1846
Case of Mr. Charlton, xxxvi 21, 63, 65
Capital Punishments, xxxviii 911, 925
County Boards, xxxvi 423
Court of Session, Scotland, xxxviii 359
Church-Rates, xxxvii 212, 441, 502, 541, 542, xxxviii 1064
———— of Scotland, xxxviii 614, 626
———— Leases, xxxviii 1384, 1405, 1407, 1433, 1621
Commercial Distress—The Currency, xxxviii 1285
Compensation to the late Speaker, xxxviii 1804
Condolence to the Queen Dowager, xxxviii 1564
Controverted Elections Bill, xxxviii 291

Russell, Right Hon. Lord J.—*continued.*
Convocation of the Clergy, xxxviii 461
Criminal Laws, xxxvi 89, xxxvii 709, xxxviii 1915
Dropped Orders, xxxviii 1095
Ecclesiastical Appointments, xxxviii 1902, 1908
Education (Ireland), xxxvi 414, 415
Factories Act, xxxvii 665
Fictitious Votes (Scotland), xxxvi 652
Final Registry of Electors, xxxviii 1769
First Fruits, xxxviii 536
Forgery Bill, xxxviii 252, 254, 255, 1661
Hand-loom Weavers, xxxviii 825
Hanwell Lunatic Asylum, xxxviii 1489
Juvenile Delinquency, xxxviii 927
Longford Election, xxxviii 755
Manufacture of Foreign Corn xxxvii 690
Men-of-War Wrecked, xxxvii 693
Message from the Queen, xxxviii 1554
Midnight Legislation, xxxvi 105
Municipal Corporations (Ireland), xxxvi 206, 235, 365, 401, 634, 954, xxxvii *cl.* 96, 673, 674, 1083, 1089
Municipal Corporations (England), xxxviii 1381, 1382, 1916
National Association (Ireland), xxxvi 92, 94
Offences against the Person, xxxviii 256, 259
Payment of Rates, xxxviii 816
Pluralities, xxxvi 597
Police Magistrates, xxxvii 295, xxxviii 1621
Poor-Law Amendment, xxxvi 986, 1019, 1283
———— (Ireland), xxxvi 453, 485, 501, 518, xxxviii 450, 691, 698, *cl.* 1, 706, *cl.* 15, 807, 808, 809, 811, *cl.* 19, 815, *cl.* 24, 1096, 1097, *cl.* 36, 1162, 1164, *cl.* 42, 1167, *cl.* 43, 1209—Settlement, 848
Poor-Laws, xxxviii 1529
Post-Office Duties, xxxviii 758
Presentation of Petitions, xxxviii 821
Presents from the King of Oude, xxxviii 1094
Printing Evidence, xxxvi 142
Prison Discipline (Scotland), xxxvii 1206
Privileges, xxxvi 61, 62, 440, 594, xxxviii 170, 195
Privilege—Glasgow Writ, xxxviii 1091, 1103
Property Qualification, xxxvi 547
Public Records Bill, xxxviii 463
——— Revenues and Accounts, xxxviii 1492
——— Business—Address, xxxviii 1582, 1607
Publication of Privileged Papers, xxxviii 1113, 1281
Rate-paying Clauses of the Reform Act, xxxviii 779
Recorders' Courts, xxxvi 414
Registration, xxxvi 84, 85
——— of Births and Marriages, xxxviii 1382
Repeal of the Septennial Act, xxxviii 684
Russia, xxxviii 1912
Spain, Affairs of — Adjourned Debate, xxxviii 114

Russell, Right Hon. Lord J.—*continued.*
Spiritual Peers, xxxvi 619
State of the Nation, xxxviii 1363
Supply—Miscellaneous Estimates, xxxviii 1625, 1765, 1766
Survey of Church Lands, xxxvii 1200, 1201, 1295
Tithes Commutation (England) xxxvi 585
Tithes (Ireland), xxxviii 462, 656, 1378

Russell, Mr. C.
Western Railway — Paddington Estate, xxxvii 701

Russia, c. xxxviii 1911

Ruthven, Mr.
Supply—Army Estimates, xxxvii 791

Sale of Beer, c. xxxvii 771—Bill 809

Salisbury, Marquess of
Education Board (Ireland), xxxviii 926, 927
Poor-Law Amendment Act, xxxvii 1300
Protection of Property—Railways, xxxvi 520
Statute Labour, xxxvii 619

Sandon, Viscount
Admission of Freemen, xxxviii 791
Bills of Exchange, xxxviii 1704
Church-Rates, xxxvi 1269, xxxvii 473
Imprisonment for Debt, xxxvi *cl.* 12, 1184
Lord's Day Observance, xxxviii 1234
Manufacture of Foreign Corn, xxxvii 688, xxxviii 1453
Mercantile Marine, xxxvii 190
Military Punishments, xxxvii 889
Poor-Law (Ireland)—Settlement, xxxviii 850
Presentation of Petitions, xxxviii 824
Spain, xxxvii 284, 285
Stamp Duties—Marine Insurances, xxxvi 1196
Supply—Miscellaneous Estimates, xxxviii 1624, 1628
Tobacco Duties, xxxvii 768
Trade with Spain, xxxviii 1500

Sanford, Mr. Ayshford
Answer to the King's Speech, xxxvi 21
Rating of Tenements, xxxviii 1494
Supply—Army Estimates, xxxvii 818

Scarlett, Mr.
Case of Mr. Lovesey, xxxvii 929
Fictitious Votes (Scotland), xxxvi 651
Imprisonment for Debt, xxxvii *cl.* 12, 698
Municipal Corporations Act Amendment, xxxvi 576, 642, 644, 1063
Supply—Army Estimates, xxxvii 820

Scotch and Irish Vagrant Bills, l. xxxvii 799

Scrope, Mr. Poulett
Corn-Laws (Ireland)—Settlement, xxxviii 842, *cl.* 36, 1163

See of Bangor, l. xxxvii 663

Seagrave, Lord
  Execution at Gloucester, xxxviii 795

Select Committees—Evidence, c. xxxvi 144

Septennial Act, Repeal of the, c. xxxviii 680

Severn Navigation, c. xxxvii 1116

Seymour, Lord
  Letter Carriers, xxxviii 1485

Shaftesbury, Earl of
  Form of Petitions, xxxviii 1904

Sharpe, General
  Supply—Army Estimates, xxxvii 790

Shaw, Mr.
  Catholic Places of Worship, xxxvi 563
  Compensation to the late Speaker, xxxviii 1802
  County Boards, xxxvi 420
  Fictitious Votes (Scotland), xxxvi 128
  ———— (Ireland), xxxvi 203
  Grand Juries (Ireland), xxxvi 95, 434
  Imprisonment for Debt, xxxviii 1701
  Municipal Corporations (Ireland), xxxvi 269, 278, 634, 837, xxxvii *cl.* 96, 673, 993
  National Association, xxxvi 94
  Offences against the Person, xxxviii 1662
  Poor-Laws (Ireland), xxxvi 479, xxxviii 429, 691, *cl.* 15, 808—Settlement 844
  Reform (Ireland) Act, xxxviii 1744
  Tithes (Ireland), xxxviii 1374

Sheriffs' Courts, c. xxxviii 1459

Sheil, Mr.
  Church Rates, xxxviii 968
  Municipal Corporations (Ireland), xxxvi 932
  Poor-Laws (Ireland) xxxviii 690, 704, *cl.* 42, 1167
  Spain, Affairs of, xxxvii 1448, 1457

Shrewsbury, Earl of
  Marriage and Registration Acts, xxxviii 1675, 1680

Sibthorpe, Colonel
  Admission of Freemen, xxxviii 791
  Bribery at Elections, xxxviii 1458
  Church Rates, xxxvi 1266
  ——— Leases, xxxviii 1404
  Commissions, xxxvii 72, 75, xxxviii 1489
  County Boards, xxxvi 417
  Duty on Fire Insurances, xxxviii 1844
  Expenses at Elections, xxxvi 432
  Hackney Coaches' Bill, xxxvii 796
  Municipal Corporations (England), xxxvi 581
  Poor-Law Amendment, xxxvi 1069

Sibthorpe, Colonel—*continued.*
  Public Records Bill, xxxviii 465
  Stamp Duties on Freedom Certificates, xxxvi 1184

Simeon, Sir R.
  Fictitious Votes, xxxvii 160

Sinclair, Sir George
  Adjournment—The Budget—State of the Country, xxxviii 1159
  Brevet Promotion, xxxvii 287, 288
  Church (Ireland), xxxvi 205
  Commercial Distress—The Currency, xxxviii 1206
  Court of Exchequer (Scotland), xxxvi 99, 103
  Poor-law (Ireland), xxxviii *cl.* 43, 1209
  Reform (Ireland) Act, xxxviii 1745
  Supply—Miscellaneous Estimates, xxxviii 1629

Sinecure Law Officers, c. xxxvi 86

Slavery, c. xxxviii 1853

Small Debts, Scotland, l. xxxviii 1247

Smith, Mr. Vernon
  Ballot, the, xxxvii 40
  East-India Maritime Officers, xxxvii 754, xxxviii 788

Solicitor-General (Sir R. Rolfe)
  Capital Punishments, xxxviii 919
  Church-rates, xxxviii 959
  Controverted Elections Bill, xxxviii 290
  East-India Maritime Officers, xxxviii 1452
  Imprisonment for Debt, xxxvi *cl.* 12, 1104, 1185, xxxvi *cl.* 12, 689
  Judges' Opinions, xxxvi 648
  Members acting as Parliamentary Agents, xxxviii 1243
  Municipal Corporations Act, xxxvi 645, 1063
  Offences against the Person, xxxviii 256
  Survey of Church Lands, xxxvii 692

Somerset, Lord Granville
  Brighton Railway—Stephenson's Line, xxxvii 702
  Case of Mr. Lovesey, xxxvii 858, 861, 867, 927, 928, 929
  Controverted Elections, xxxviii 866
  East India Maritime Officers, xxxvii 757

Spain, c. xxxvi 134, xxxvii 223

———, Lord John Hay's Despatches, *l.* xxxviii 125

———, Trade with, *c.* xxxviii 1500

Speaker, the, (Right Hon. James Abercrombie)
  Admission of Freemen, xxxviii 790, 791
  Breach of Privilege—Explanation of Sir

Speaker, the,—*continued.*
E. Codrington, xxxvii 1307, 1314, 1317, 1318, 1323, 1327, 1328, xxxviii 1582
Brevet Promotion, xxxvii 290
Brighton Railway — Stephenson's Line, xxxvii 1161
Carlow Election, xxxvi 1280
Case of Dr. Mulholland, xxxvi 437, 438, 439
Church of Scotland, xxxviii 649
County-rates, xxxvii 1146
Fourdrinier's Patent, xxxviii 1493
Ludlow Corporation, xxxvi 409
Management of the Post-office, xxxviii 1714
Merchant Service, xxxvii 1124
Municipal Corporations (Ireland), xxxvi 277
National Education, xxxviii 1158
New Poor-law (England), xxxviii 455, 457
Orange Lodge Committee, xxxviii 1480
Penny Stamp on Newspapers, xxxvii 1171
Poor-laws, xxxvi 1238
Printing Evidence, xxxvi 73, 139, 441
Privilege, xxxviii 196
Prorogation, xxxviii 1919
Publication of Privileged Papers, xxxviii 1113
Russia, xxxviii 1912
Select Committees—Evidence, xxxvi 144
Spain, Affairs of—Adjourned Debate, xxxviii 4, 13, 14, 15, 16
Survey of Church Lands, xxxvii 692
Travelling on the Sabbath, xxxviii 900

Spiritual Peers, c. xxxvi 809

Stafford—New Writ, c. xxxvi 445

Stamp Duties on Freedom Certificates, c. xxxvi 1102

——— *Marine Assurances, c.* xxxvi 1189

Standing Orders, c. xxxviii 1899

Stanhope, Earl
Poor-law — Petition, xxxviii 1630, 1633, 1659, 1687, 1698, 1809, 1815, 1822, 1914, 1915

Stanley, Lord
Brighton Railway — Stephenson's Line, xxxvii 1161
Canada, Affairs of, xxxvii 111, 141, 1229, 1249, 1250, xxxviii *cl.* 6, 210, 251
Church-rates, xxxvii 472, 510, 520
County-rates, xxxvii 1141
Education (Ireland), xxxvi 414
Final Register of Electors, xxxviii 1703
Forgery Bill, xxxviii 1660
Imprisonment for Debt, xxxvi 1362
Longford Election, xxxviii 753
Municipal Corporations (England), xxxvi 571, 580
——— (Ireland) xxxvi 747, 930, xxxvii 957, 958, 1083

Stanley, Lord—*continued.*
Poor-law (Ireland), *cl.* 15, xxxviii 809, 811, *cl.* 19, 815, *cl.* 43, 1209
———Settlement, 845
Public Business—Address, xxxviii 1595
Railways—Jobbing by Members, xxxvi 861
Sheriffs' Courts, xxxviii 1459
Supply—Museum—the late Speaker, 1737
—Miscellaneous, 1766
Tithes (Ireland), xxxviii 1374
Vote by Proxy, xxxviii 766
Wigan Rectory, xxxviii 1334

Stanley, Mr. E. J.
County-rates, xxxvii 1148
Privilege — Glasgow Writ, xxxviii 1090, 1091, 1107

State of the Nation, c. xxxviii 1337

Statutes of the several Colleges and Halls of Oxford and Cambridge, l. xxxviii 658

Statute Labour, l. xxxvii 617

Steam-boat Explosion at Hull, c. xxxviii 1383

Steuart, Mr. R.
Court of Exchequer (Scotland), xxxvi 99
Fictitious Votes (Scotland), xxxvi 650
Final Register of Electors, xxxviii 1703
Municipal Corporations (Scotland), xxxvii 456, 457, xxxviii 278

Stewart, Mr. P. M.
Canada, Affairs of, xxxvi 1327, xxxvii 1262, xxxviii 201
Java, Trade with, xxxvii 6

Stores supplied to Spain, c. xxxvii 619

Stormont, Viscount
Municipal Corporations (Scotland), xxxvii 456

Stradbroke, Earl of
New Poor-law, xxxviii 1821

Strickland, Sir George
Benefit Societies, xxxvi 105
Bridlington Harbour, xxxviii 677
Brighton Railway — Stephenson's Line, xxxvii 1160
Hanwell Lunatic Asylum, xxxviii 1487
Railways, xxxvi 1161
Rating of Tenements, xxxviii 1494
Severn Navigation, xxxvii 1117
Supply—Miscellaneous Estimates, xxxviii 1764

Stuart, Lord Dudley
Church-rates, xxxvii 543
Consular Agent at Cracow, xxxvii 701, 702
Hand-loom Weavers, xxxviii 1793

Stuart, Lord Dudley—*continued.*
  Occupation of Cracow, xxxviii 1085
  Protection to Dogs, xxxviii 1761, 1762
  Reform Act—Rates and Taxes, xxxvi 206
  Vixen, the—Treaty of Adrianople, xxxvii 647

Stuart, Lord John
  Travelling on the Sabbath, xxxviii 899

Stuart, Mr. V.
  Address, xxxvi 25

Succession to the Crown, l. xxxviii 1685, 1757, 1836

Supply—Army Estimates, c. xxxvii 778, 813, xxxviii 655

———*Miscellaneous Estimates, c.* xxxviii 1611, 1623—Museum, 1737, 1763

Survey of Church Lands, c. xxxvii 1199, 1293

Sussex, Duke of
  Form of Petitions, xxxviii 1904, 1905

Table of Statutes, xxxviii 1925

Talfourd, Sergeant
  Custody of Infant Children, xxxviii 277
  Law of Copyright, xxxviii 666
  Law of Libel Bill, xxxviii 500

Tancred, Mr.
  Municipal Corporations (Ireland), xxxvii 940

Tavistock, Marquess of
  Poor-law—Petition, xxxviii 1645

Taxed Carts, c. xxxviii 1448

Taxes on Internal Communication, c. xxxviii 865

Tennent, Mr. E.
  Master of the Rolls (Ireland), xxxvii 669, 672
  Municipal Corporations (Ireland), xxxvi 715

Texas, c. xxxvii 191

Thompson, Lieut-Col. T. P.
  Bills of Exchange, xxxviii 1707
  Budget, the, xxxviii 1735
  Canada, Affairs of, xxxvi 1333, xxxvii 144
  Capital Punishments, xxxviii 821
  Church Leases, xxxviii 1415
  Colonel Bradley, xxxviii 1155
  Conduct of the Army at Buenos Ayres, xxxviii 776

Thompson, Lieut-Col. T. P.—*continued.*
  Dismissed Officers, xxxvii 1192
  Government of the Army, xxxvii 775
  Hanover, King of, xxxviii 1922, 1923
  Imprisonment for Debt, *cl.* 12, xxxvii 696
  Jewish Marriages' Bill, xxxviii 1707
  Lords Justices, xxxviii 1893
  Mercantile Marine, xxxvii 189
  Military Punishments, xxxvii 885
  Municipal Corporations (Ireland), xxxvii 1061
  Observance of the Sabbath, xxxviii 544
  Royal Marines, xxxvii 218
  Spain, Affairs of, xxxvii 1386, 1387, 1388
  Stamp Duties on Freedom Certificates, xxxvi 1105
  State of the Nation, xxxviii 1357
  Supply—Army Estimates, xxxvii 819,—Museum, 1737
  Texas, xxxvii 201
  Travelling on the Sabbath, xxxviii 903
  Treaties for the Abolition of Slavery, xxxviii 1830

Thompson, Alderman
  Bridlington Harbour, xxxviii 677
  East-India Maritime Officers, xxxvii 760
  Municipal Corporations (England), xxxvi 568, xxxviii 1917
  Stamp Duties on Marine Insurances, xxxvi 1195

Thompson, Mr. B.
  Bridlington Harbour, xxxviii 677

Thomson, Rt. Hon. C. Poulett
  Beet-root, xxxvi 635
  Benefit Societies, xxxvi 598, 607
  Bonded Corn, xxxviii 1678
  Brighton Railway, xxxviii 1102, 1219, Stephenson's Line, xxxviii 1304
  Church-Rates, xxxvii 503, 508
  Colonial Banks, xxxvi 635
  Excise Acts (Beet-root Sugar), xxxviii 1668, 1670
  Foreign Grain, xxxviii 466, 468, 472, 473, 475
  France, Trade with, xxxviii 1903
  Hand-loom Weavers, xxxviii 824, 825, 1794
  Hanover, King of, xxxviii 1923
  Joint Stock Banks, xxxvi 190
  Manufacture of Foreign Corn, xxxvii 634, 687, 689
  Mercantile Marine, xxxvii 182
  Merchant Shipping, xxxviii 1222
  Mortgages on Ships and Vessels, xxxvi 1173
  Poor-Law (Ireland), *cl.* 15, xxxviii 814
  Railways—Jobbing, xxxvi 862, 1161
  Standing Orders, xxxviii 1899, 1901
  Supply—Miscellaneous Estimates, xxxviii 1616, 1624
  Ways and Means—Sugar Duties, xxxviii 1610

Thornley, Mr.
  Admission of Freemen, xxxviii 292